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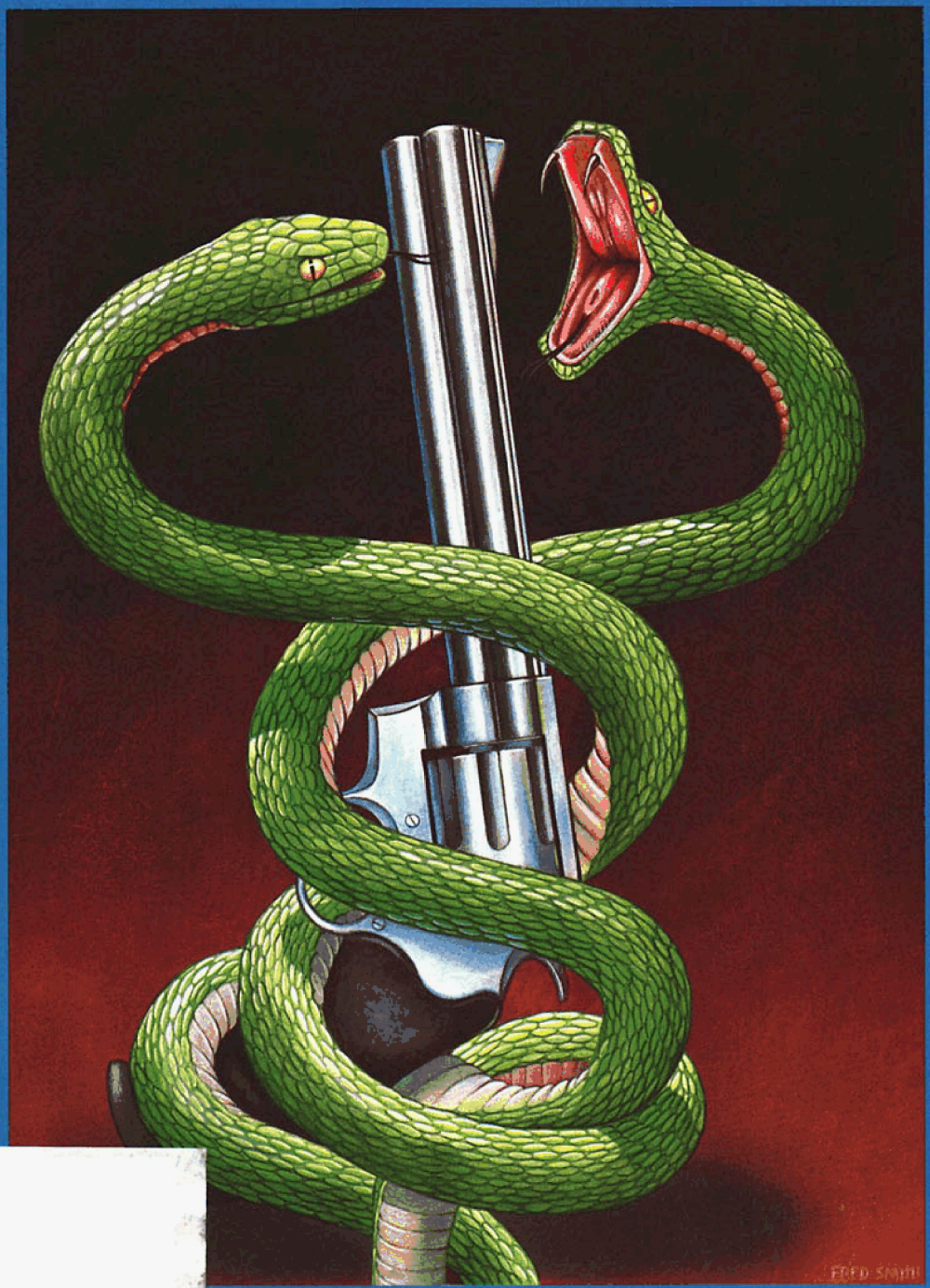

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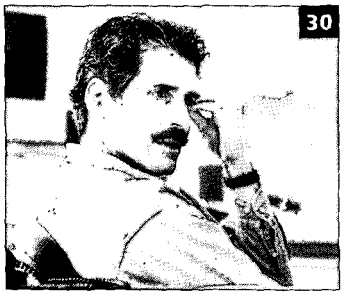

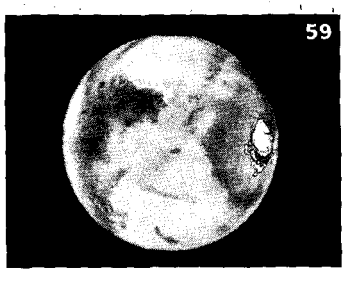

Editorials

4 Laissez Fear by Virginia I. Postrel
Left and right agree—the market is their enemy.

5 Spinal Tap by Rick Henderson
Checking the backbone of the new Congress.

8 Computer Protection by Nick Gillespie
The toughest regulator of all.

Features

24 Public Health Pot Shots by Don B. Kates, Henry E. Schaffer, and William C. Waters IV
How the CDC succumbed to the gun "epidemic."

30 Risky Journalism: An Interview with John Stossel by Jacob Sullum
ABC's John Stossel bucks a fearful establishment.

37 Slouching Toward Phoenix by Rich Karlgaard
Conservatives gather at a sunny resort to remind themselves how terrible the world is.

41 Judge Dread by Walter Olson
Even conservatives are shying away from Robert Bork's new book.

Columns

45 Fusion Energy by John J. Pitney Jr.
The case for multiparty candidates.

47 Power Politics by Ed Carson
Power privatization shorted out in the last Congress—here's what supporters learned.

50 Drug Test by Nick Gillespie
Polling Congress about medical marijuana.

52 Call of the Whites by Charles Paul Freund
The skeleton in environmentalism's closet is nature.

Books

54 Trade Winds by Brink Lindsey
One World, Ready or Not: The Manic Logic of Global Capitalism, *by William Greider*

57 Change Reactions by Brian Doherty
The Pinball Effect: How Renaissance Water Gardens Made the Carburetor Possible and Other Journeys Through Knowledge, *by James Burke*
Thought Contagion: How Belief Spreads Through Society, *by Aaron Lynch*

59 Spaceship Enterprise by Kenneth Silber
The Case for Mars: The Plan to Settle the Red Planet and Why We Must, *by Robert Zubrin with Richard Wagner*
Mining the Sky: Untold Riches from the Asteroids, Comets, and Planets, *by John S. Lewis*

61 Nice Distinction by Loren E. Lomasky
Unrugged Individualism: The Selfish Basis of Benevolence, *by David Kelley*
Miss Manners Rescues Civilization, *by Judith Martin*

Departments

9 Letters
Painful reactions, a tangled yarn, gay rites, trade disputes.

14 Citings
Tax Dodgers, pot pass, Hillary's Ebonics, COPS flop...
- *Sources: National Bureau of Economic Research.*
- *Artifact: Everybody loves* The Tick*!*
- *Brickbats: Froggy went a-courtin', garbage protectionism, the anti-Barbie...*

66 Selected Skirmishes: Coffee, Tea, or Me by Thomas W. Hazlett
Should a penny for your thoughts be illegal?

Cover illustration: Fred Smith

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Laissez Fear

Left and right agree—the market is their enemy.

By Virginia I. Postrel

The backlash has begun. Political intellectuals of all sorts are lining up to bash libertarians in general and markets in particular.

On the right, William Schambra of the Bradley Foundation blasts "an unholy marriage between the marketplace and radical individualism," while *The Weekly Standard* sprinkles the word *libertarian* about almost randomly, as an all-purpose epithet. "Absolute liberty corrupts absolutely," proclaims Adam Wolfson in that magazine's review of David Boaz's *Libertarianism: A Primer*, dinging Boaz for failing to ground his arguments in theology. "Decadence is brought to us by the marketplace," says communitarian conservative Don Eberly, quoted in a *National Journal* article titled "Rethinking Capitalism."

On the left, William Greider and Robert Kuttner have published tomes refashioning their usual anti-market arguments for a global age. Reviewing them in *Newsweek*, Michael Hirsh writes, "Free-market fever has given a new, savage look to the American corporation as well: Downsizing. Deregulation. Decimated trade unions. 'Employability' over employment. All are symptoms of the jostling, desperate grab for markets that rules the day." Left-leaning Netizens are positively apoplectic at the prominence of libertarian ideas (often, admittedly, of a less-than-sophisticated variety) in their domain. The BrainWave project, a joint venture of four major Web sites, devotes its first effort to a discussion-of-cum-attack-on libertarian ideas. *Salon*'s Gary Kamiya concludes his setup posting with the declaration that libertarianism is "dangerous." (See www.salonmagazine.com/brainwave/common970120.html.)

At first, this sudden outburst seems weird. From the rhetoric, you'd think we were living in a laissez-faire country. In real life, however, the last Congress increased the minimum wage, slapped content controls on the Internet, and passed a telecom "deregulation" bill that was anything but. Efforts to mitigate the extremes of environmental regulation or pay property owners for regulatory losses died a horrible death. The tax code is as complex and manipulative as ever—and likely to get more so this year. The president is demanding that every employer give parents time off for PTA meetings. Meanwhile, the closest approximation to actually existing laissez faire, Hong Kong, is about to be swallowed by Communist China.

No, technocracy is still very much the order of the day. But both the general public, in an inchoate way, and (some) intellectuals, more clearly, are losing faith in the rule of experts. The world of policy has not yet changed all that much, but the world of ideas has changed a lot. Where ideas go, policy eventually follows. And against the claims of central authority, free minds and free markets are the obvious alternative. After all, concludes even *Newsweek*'s Hirsh, "Whom do we really want at the wheel of the world economy? Just having Alan Greenspan at the Fed is scary enough. Isn't capitalism, in the end, simply the best way of maximizing people's freedom? To paraphrase Churchill on democracy: it may be a terrible system, it's just better than any other."

That Churchillian argument may be good enough for people like Hirsh, who like freedom but distrust big business. It isn't, however, good enough for those who crave authority.

What irks them about the market is that, in Greider's words, "no one is at the wheel." The market has no boss. It's unpredictable and contradictory. It lets Americans spend $8 billion a year on pornography and $3 billion in Christian bookstores (not including sales of Christian books in secular chains). It permits both *The Book of Virtues* and Nine Inch Nails to find their niches. It allows parents who think children should be encouraged to use their imaginations to coexist peaceably with those who think imaginative play is dangerous and sinful. "Socially conscious" mutual funds, both right and left, are as much a part of the market as the companies they shun. So are Rush Limbaugh and *Mother Jones*, Hooters and Ben & Jerry's, Jews for Jesus and Chabad.

The market is not a place or a person or a conspiracy. It is a process—a continuously adapting system of trial and error, experiment and feedback, freedom and responsibility. It rewards both discipline and risk taking, creativity and deferred gratification, foresight and learning from the past. The market process makes possible not only commercial activity but the countless voluntary associations that arise spontaneously when people are allowed the freedom to form their own bonds. Because it depends not on predetermined status but on contract—on choice and consent—the market is liberating. But it is not, as its critics charge, "atomistic," except in the sense that atoms have a tendency to form molecules, which in turn create larger structures.

The market does, however, undermine central authority. Though the organizations created within it may contain many hierarchies and authorities of their own, the market process does not establish one best way. So if your central political value is authority, if you take tradition not as an evolutionary process but as a settled decree, if you see choice and liberation as inherently evil, you will necessarily be driven to oppose the market. And you will launch a last-ditch effort to salvage the power of technocracy and, if possible, its political legitimacy. You will declare that the era of big government has not in fact ended, that all the regulatory state needs is a change of personnel.

That explains why authority-seeking conservatives are suddenly bursting with anti-market fervor and why, also, they are so gloomy. (See "Slouching Toward Phoenix," page 37.) They have suddenly awak-

ened to find their once-useful libertarian allies posing an annoying obstacle to their ultimate goals. Having spent a half century taking on the best arguments of statists of all parties—and with the wreckage of socialism and technocracy as empirical evidence—libertarians are pretty damned persuasive these days. A few die-hard leftists are flopping about, still trying to make arguments, but they've mostly been reduced to pushing crass interest-group appeals and lamely noting that the market can't deliver utopia. Meanwhile, for many social conservatives—who know they are in the minority and so mostly want to be left alone to raise their own children, run their own businesses, and follow their own faith—the libertarian non-aggression pact is an acceptable compromise.

We are winning, in other words. And that drives the authority lovers crazy. That is why the *Standard* has become the New Democrats' best friend, a promoter of "better," not necessarily smaller, government. Reviewing Charles Murray's *What It Means to be a Libertarian* there, Daniel Casse asserts that big government is no big deal, and besides, we need it to deal with big problems: Farm programs haven't hurt agriculture, regulation hasn't stopped the computer and software industries (bad examples, since they're largely unregulated), and Social Security is just the greatest thing since sliced bread. Echoing turn-of-the-century Progressives, he writes, "The sheer magnitude of the problems that government now fumbles with may militate against the voluntary and private solutions that worked during the early part of this country's history." If you want to see Lamar! Alexander's real platform, there it is. Casse was his head policy adviser.

On a more serious note, Bill Kristol proclaims in *Commentary* that "conservatism's more fundamental mandate is to take on the sacred cow of liberalism—choice." He follows this declaration with a very telling discussion of abortion: "But the truth is that abortion is today the bloody crossroads of American politics. It is where judicial liberation (from the Constitution), sexual liberation (from traditional mores), and women's liberation (from natural distinctions) come together. It is the focal point for liberalism's simultaneous assault on self-government, morals, and nature."

What is interesting about Kristol's discussion of abortion is what he does *not* say. Nowhere does he make the traditional argument against abortion: that it takes human life. Rather, Kristol completely concedes the pro-choice philosophical (as opposed to legal) case. Abortion, he says, is about women's lives and women's choices. It constitutes rebellion against nature and tradition. That's why it's bad.

It may seem odd to omit the most potent anti-abortion argument. But there's a good reason for this seemingly self-defeating rhetorical tack. Pro-life arguments apply only to abortion and possibly, though much more problematically, to suicide and euthanasia. You cannot invoke dead babies to stop gay couples from living together, record companies from selling songs you don't like, women from pursuing careers, Wal-Mart from building new stores, developers from putting up condos, biotech companies from selling life-extending drugs, black men from marrying white women, farmers from leaving the land, companies from moving plants overseas, or any of the myriad choices one or another stasis-craving conservative has condemned as untraditional, unnatural, and immoral. To attack markets, to preserve central authority, you must attack choice. You must ally yourself with the Kuttners and Greiders of the world.

"But let us have no illusions about the compatibility of the conservative and libertarian moral visions," writes natural law theorist Robert George in *National Review*. "There simply is no tent big enough to accommodate both visions." George is right, at least about his brand of conservatism. There is no end to the argument from authority. Once choice has been obliterated as a value, power has no stopping point. We are back to the world of status, our fates determined by our birth or our betters. That may be a heady prospect for intellectuals accustomed to the corridors of power, but the rest of us—most of us—will, if pushed, take our chances with the market. ◆

Spinal Tap

Checking the backbone of the new Congress

By Rick Henderson

The 105th Congress will not overhaul the federal income tax. Nor will it privatize Social Security, restructure Medicare, or revamp the regulatory code. If the last Congress—especially the GOP freshmen—appeared to approach government cuts with a swagger, the current crop of legislators seems to skulk, hoping to offend no one, especially such noisy organized constituencies as senior citizens, labor unions, and environmentalists.

But the House and Senate will pass bills this session. And if you want to know if the Republican-led Congress has any backbone, pay attention to two items that will be reauthorized: Superfund and the federal highway bill. Both are unglamorous, mind-numbingly technical, and riddled with special-interest influence. And neither bill deals with an issue that is necessarily a federal responsibility, making each ripe for reforms consistent with the decentralist approaches Republicans applaud. The direction Congress takes on these bills will signal whether Republicans will battle the Beltway establishment.

Superfund was enacted in 1980 soon after the discovery of toxic chemicals in Love Canal. The Environmental Protection Agency targets "hazardous" waste sites in two ways: by suing the polluters when they can be identified or by cleaning up "orphan" sites (those at which the responsible parties either can't be found or have gone out of business) with taxes collected on crude oil, some commercial chemicals, and certain large businesses.

Environmentalists, state and local officials, policy analysts, and the companies who get stuck with the bills all consider Superfund a failure, though for different reasons. Taxpayers and private parties

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have spent about $25 billion on the program, yet fewer than 100 of the nearly 1,300 sites have been removed from the EPA's "priorities" list. It takes an average of eight years from the time a site is listed to the time cleanup begins and another four years before it's clean enough to meet EPA standards. And more than half of the money spent on Superfund pays lawyers, administrators, and people who never don rubber boots, let alone a moon suit.

But fixing Superfund requires challenging the program's design and its intent—an outcome those organized interests that benefit from Superfund's complexity and inefficiency may never tolerate. Consider the legal mechanisms that are part of Superfund ostensibly to make polluters pay: strict, joint-and-several, and retroactive liability. Once a Superfund site is identified, any individual, business, or government entity that has placed *any* amount of hazardous substance at that site can be held responsible for the entire cost of cleanup—even if the substances weren't considered dangerous when they were put there. Little wonder Superfund cleanups cost millions of dollars to complete and take years to settle in court.

Rep. Michael Oxley (R-Ohio) and Sen. Bob Smith (R-N.H.) have proposed ending retroactive liability for actions that took place before Superfund became law and replacing the joint-and-several liability system with one that allocates costs proportionately among the responsible polluters. But such sweeping changes face stiff resistance from Beltway interests. Naderites like the current system because it soaks corporations. Lawyers who represent both polluters and the people who live near the polluted sites are happy because they can line their pockets with legal fees. And environmental groups hold the ultimate trump card: They can claim any changes that appear to weaken Superfund will result in a nation filled with Love Canals.

Under such pressures, it's only too easy for politicians to tinker with rather than overturn the status quo. Indeed, the best we can probably expect from a new Superfund bill are caps on the liability that rural areas, small towns, and small businesses can face. A sweeping overhaul isn't likely.

Even though the interstate highway system is complete (the only "unfinished" portions are intracity beltways local drivers should finance), the Intermodal Surface Transportation Efficiency Act, or federal highway bill, also faces reauthorization this year. ISTEA (pronounced "ice tea" by infrastructure mavens) is the motherlode of political pork, the bill which has previously funded such projects as recreational motorcycle trails, museums, and "demonstration projects" to relieve traffic congestion in rural counties with fewer than 10,000 residents. Rep. Bud Shuster (R-Pa.), the chairman of the Transportation and Infrastructure Committee, was able to deliver a $35 million commuter-rail stop, a $30 million moving sidewalk, and the $286 million Bud Shuster Highway to his hometown of Altoona (population 50,000) when Repub-

HENRY PAYNE

licans were still in the minority.

Along with garden-variety pork, federally funded highway projects must conform with a layer of regulations that serve to enrich politically connected contractors and suppliers. Transportation analyst Gabriel Roth, author of last year's *Roads in a Market Economy*, estimates that federal Davis-Bacon prevailing wage laws and mandates that force federal contractors to buy American-made products make federal road projects 28 percent more expensive than necessary. Reason Foundation President Robert Poole also notes that the feds often prohibit tolls from being charged on federally funded highways, thus preventing experiments with peak-hour pricing and other market-oriented transportation reforms.

Last year, innovative approaches to ISTEA looked possible. The most promising would have taken the source of about half of federal highway funds, the gas tax, out of the congressional pork barrel. House Budget Committee Chairman John Kasich (R-Ohio), Rep. Nick Smith (R-Mich.), and Sen. Connie Mack (R-Fla.), now the chairman of the Joint Economic Committee, proposed returning about 80 percent of the 18.4-cents-a-gallon tax to the states, leaving only a few pennies per gallon to finance maintenance of the highways that have already been built.

But don't hold your breath. Shuster still chairs the transportation committee. And he has no intention of relinquishing his power base. Instead of transferring the gas tax to the states, he wants to remove the federal highway trust fund (where the gas taxes technically flow) from the budgetary process—a plan that would place that $15 billion completely in the hands of Shuster and other political bosses.

Shuster may also be willing to dedicate as much as one-half cent of the gas tax to fund Amtrak—providing life support to a hopeless boondoggle. This ploy would also give Shuster an important ally, Amtrak enthusiast William Roth (R-Del.), chairman of the Senate Finance Committee.

Both Superfund and the highway bill offer clear tests of whether members of Congress will relinquish a bit of their power or will succumb to the temptation to, as Gov. Lepetomaine said in *Blazing Saddles*, "protect [their] phony-baloney jobs." For now, bet on the baloney.

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Terry Dwyer
Journalist and
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Computer Protection

The market is the toughest regulator of all.

By Nick Gillespie

You can almost forgive good-government types for wanting to take credit for the recent settlement offered by America Online to its customers. In the wake of highly publicized problems after switching to a flat-rate, unlimited-access plan—including a lawsuit filed in California by five disgruntled users and the threat of lawsuits from about three dozen state attorneys general—AOL has offered the following terms to its roughly 8 million subscribers: refunds or free time to make up for an ongoing (though improving) dial-up dilemma, a $350 million upgrade of system capacity, a temporary curb on advertising for new customers, and clear wording in promotional materials explaining that customers may encounter delays when going online. Such a settlement seems to vindicate both the need for and efficacy of government oversight of consumer issues.

Illinois Attorney General Jim Ryan summed things up this way: "Cyberspace is a new and exciting place to acquire information. But we must remain vigilant to make sure that consumers have the same protections there as they do in more traditional venues."

Ryan is right that consumers need protection. But he is wrong to assume that such protection comes in any significant way from the government. In fact, the market is a far more efficient—and far less forgiving—regulator than state consumer protection agencies. Because of cut-throat competition with big on-line providers such as CompuServe, Microsoft Network, and AT&T WorldNet—and the literally thousands of other Internet service providers—AOL already had most of the terms of the settlement in the works when the first reports of access problems surfaced in December.

Here are just a few of the ways in which that headless, heartless enforcer, the market, was spanking AOL sore without any help from attorneys general:

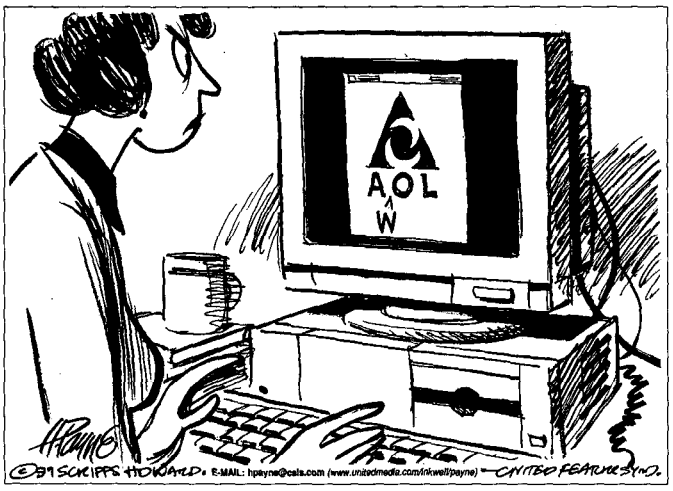
- CompuServe, AOL's largest competitor with about 2 million subscribers, ran an ad during the Super Bowl that featured a telephone busy signal and offered a toll-free number sardonically scripted as 1-888-NOT-BUSY. New print ads for the service read: "Busy People Can't Afford Busy Signals," and "Get On With It." AT&T WorldNet—which had its own highly publicized access problems last year—has opened up phone lines specifically for dissatisfied AOL users.
- Headlines such as "AOL's Growing Pains: How Its High-Tech Success Story Became a High-Profile Red Flag," "New Unlimited Access Plan Leaves Customers in AOL Hell," and "For $19.95 a Month, Unlimited Headaches for AOL" ran in newspapers across the country.
- Abusive commentaries flowed freely on Usenet discussion groups alt.america.online and alt.aolsucks.
- On the *Tonight Show*, Jay Leno joked that AOL subscribers used to cybersex will have to go back to lower-tech phone sex.
- *Wall Street Journal* columnists Thomas Petzinger Jr. and Walter Mossberg both decried AOL ("the service is now broken," wrote Mossberg) and endorsed the fast-growing Microsoft Network.

AOL's problems are the sort of negative publicity no competitor could orchestrate—and no company can ignore without going bankrupt. And AOL has in fact traditionally been very responsive to market forces. Started in 1985, it grew into a household name (and now pariah) by offering relatively cheap, easy, and dependable access to e-mail, chat groups, proprietary material, and, more recently, the Internet and World Wide Web. Indeed, hardcore Net freaks have always sniffed at AOL because of its user-friendliness and mass appeal.

The climb to the top of the heap has hardly been easy: AOL's cost for acquiring new subscribers is at least $45 per account and at times as much as $270 per account. Keeping those new people is no easy trick, either. Most industry analysts peg AOL's "churn rate"—the pace at which customers join briefly and quit—at somewhere between 25 percent and 40 percent. Because AOL generates over 90 percent of its cash flow from user fees, it must attract and hold more and more customers if it wants to make more money. To accomplish that, it must offer customers good terms and good service. But the flat-rate plan—a response to competition that helped tumble the value of AOL's stock by 60 percent between May and June of last year—is a double-edged sword under the best of circumstances: Even as flat-rate pricing woos new and placates current subscribers, it limits the amount of money AOL can get from any one account.

The same sort of pressures that spur market efficiencies ultimately drive consumer satisfaction and protection. Businesses, perhaps especially in the service sector, do not succeed by ignoring customers' desires and complaints.

Clearly, not everyone understands the process: In an odd and largely unreported moment from last year's Democratic National Convention, both Vice President Al Gore and Hillary Clinton cited government inspectors as the main reason why we have a safe food supply—as if grocers or restaurateurs could somehow profit from poisoning their customers. Luckily, most businesses have a far keener sense of what it takes to both gain and keep a customer.



HENRY PAYNE

Pain Reactions

Reading Jacob Sullum's "No Relief in Sight" (January) brought back some literally painful memories for me. In 1992, following minor surgery, I was given a prescription for codeine. Since the pain proved much less severe than my surgeon predicted, I used only one of the 30-pill supply. A year later, however, I became truly incapacitated with a lower-back pain: unable to walk, sit, sleep, or do anything but pound the pillow and cry. Assuming it was just a back injury, I began taking the codeine at night to get some sleep. It worked like magic.

A month later, when I ran out, I tried using over-the-counter analgesics, with no success. Eventually, I went to a doctor, begging for some relief. When I mentioned codeine, his face froze. I could see his thought process: He uses codeine, therefore he is an addict, therefore he is malingering. He prescribed, instead, some other painkiller that did virtually nothing to ease the pain.

Over the next two months, I saw two other doctors; both had the same reaction, and both prescribed ineffective medications. It was not until September —four months after the pain began that I was finally diagnosed with lymphoma, which responded admirably to treatment.

The result of these doctors' paranoia about opiates? Three months of unnecessary agony for me, and permanent nerve damage from the undiagnosed tumor. If they had not been so certain that I was only faking the pain to get recreational drugs, all this could have been avoided. Many times I thought about suicide; each time I told myself, "Just one more day." If I had known at first how long it would last, I doubt that I could have survived.

By the way: I obtained (illegally!) a small supply of codeine a year ago, which I am keeping in reserve. Relapses are all too common in lymphoma, and I do not want to endure that torture again. In the past year, I have felt no temptation to take even one of these pills. So much for theories of addiction.

Like many of your articles about government power grabbing, this one made me weep tears of frustration. I only wish that the bureaucrats at the FDA, DEA, and elsewhere were capable of seeing human suffering. In fact, I'd like to see them experience some of it.

Scott O'Hara
San Francisco, CA

I wanted to comment on Jacob Sullum's wonderful article, "No Relief in Sight." Chronic pain is an epidemic in the United States. It is often misunderstood and frequently mistreated. While opioid treatment remains controversial, it is clear that governmental regulations often create a chilling effect and a true barrier for patients and clinicians to work together. Articles like yours make a difference by making the public aware of this problem.

The American Academy of Pain Management credentials multidisciplinary pain management clinicians through board certification and program accreditation. In addition, we publish a directory of board-certified pain management clinicians, accredited programs, and a directory of pain clinics. This information is free on the Internet or may be obtained through a mailed directory. Our e-mail address is aapm@aapainmanage.org, and our Web address is http://www.aapainmanage.org.

Richard S. Weiner, Ph.D.
Executive Director
American Academy of Pain Management
Sonora, CA

"No Relief in Sight" deals with a topic of general interest, as indicated by a recent *60 Minutes* report on the same subject. Unfortunately, not only was the topic similar but the author also used many of the intellectually bankrupt methods typically employed by that TV program.

Before I begin a critique, it is appropriate that I indicate my qualifications. I have M.D. and Ph.D. degrees from Washington University Medical School in St. Louis and was a faculty member at Yale University, the University of Minnesota, and the University of Cincinnati. Toxicology and therapeutic drug monitoring was an area of clinical practice when I was a member of the department of laboratory medicine at these various institutions. Currently, I do research at a biotech company.

The premise of the article—that physicians underutilize narcotic analgesics—has a component of truth which I shall endeavor to place in perspective. However, most good lies also have a component of truth which significantly contributes to their credibility. Perspective is important here, for all drugs have benefit and toxicity, and the former must be judged against the latter. A fatal fault in this article is the failure to provide the reader with the information and perspective necessary to make a rational judgment. Facts are omitted or slanted, anecdotes are told to create empathy for the author's thesis, and "expert" comments are applied out of context or are not representative of the field.

If I were to write an article of the opposite bias, I might begin with a mirror-image anecdote to gain sympathy. Recently, Larry King interviewed Johnny Cash, who had a series of operations to correct a jaw injury. This famous singer could barely talk, let alone sing, without medication of the type described by the

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Los Angeles, CA 90034-6064

author. However, unlike any of the characters in the author's article, Mr. Cash became addicted to these drugs. He has been in and out of treatment for this addiction ever since. Mr. Cash is only one of many celebrities who have required treatment for addiction to painkillers, yet none of them appeared in the article.

The article fails to accurately describe the toxicity of narcotics. The author states that "compared to other pharmaceuticals, opioids are remarkably safe: The most serious side effect of long-term use is usually constipation, whereas over-the counter analgesics can cause stomach, kidney, and liver damage." In fact, opioids are lethal. As the book *The Pharmacological Basis of Therapeutics* says: "By the time he is seen by the physician, the patient who has taken an overdose of an opioid is usually asleep or stuporous. If a large overdose is taken, he cannot be aroused and may be in a profound coma. The respiratory rate is quite low (sometimes only 2 to 4 per minute), and cyanosis may be present. As the respiratory exchange becomes poorer, blood pressure ...falls progressively....If hypoxia persists untreated, however, there may be capillary damage, and measures to combat shock may then be required....Urine formation is depressed. Body temperature falls, and the skin becomes cold and clammy. The skeletal muscles are flaccid, the jaw relaxed, and the tongue may fall back and block the airway. Frank convulsions may occasionally be noted....When death occurs, it is nearly always due to respiratory failure...or as a result of complications such as pneumonia or shock that develop during the period of coma."

As a wide variety of drugs are classified as opioids, crucial reactions may vary over the class. Nonetheless, the toxicities of the commonly used drugs such as morphine, meperidine, and codeine include respiratory depression, nausea, vomiting, dizziness, mental clouding, dysphoria, urinary retention, and hypotension. Frequently prescribed opioids like propoxyphene (used in Darvon) can have additional effects such as convulsions and toxic psychosis.

Finally, there is the addictive potential of these drugs. The consensus is that with proper use, rates are not high but they are significant. Unfortunately, adequate studies are hard to find. However, the rates are sufficiently high that a significant number of patients will experience addiction. Thus, the drugs need to be used with strict supervision in the appropriate setting to minimize addiction with its debilitating consequences.

The author fails to understand how the conditions of use can affect the addictive potential of the drug. His initial anecdotes concern treatment of chronic pain in outpatients. He also reflects on the use of these drugs by patients with terminal cancer and quotes health care professional in regard to these patients without drawing a clear distinction. He further muddies the waters by mixing the acute treatment of pain in the hospital with that of chronic pain patients. As an example, he cites 11,882 hospitalized patients treated, with only 0.034 percent becoming addicted. Later in that paragraph he cites 38 chronic pain patients of which two became addicted. The difference between the two groups is compelling: The hospitalized patients had an addiction rate of 0.034 percent, whereas the chronic pain patients had a rate of 6 percent. Thus, the two groups differ almost 200-fold in potential for addiction. The ramifications of an addictive rate of 6 percent are catastrophic and unacceptable. (To some extent I am playing the author's game here by over-interpreting data on a population that is too small for statistical significance and is poorly characterized clinically and demographically.)

A rational reader without prior medical training could easily draw unreasonable conclusions from this article. The information in it can lead the untrained reader to conclude that narcotic analgesics are safe—even safer than aspirin or acetaminophen (Tylenol), the "over-the-counter analgesics [which] can cause stomach, kidney, and liver damage." The reader might reasonably act on this information and substitute these "safe" (opioid) medications for aspirin or acetaminophen for headache relief. The consequence to the unsuspecting reader could easily be addiction, if not the acute toxicities noted above. I can only hope that one of your readers does not take the medical information in your article seriously and suffer consequences because of it. If nothing else this untoward potential should alert you to the care necessary when you indulge in writing medical articles. That care was not taken in this case. Thus, the article does a disservice to its readers because of an unintended but potentially lethal medical consequence.

The regulations and intimidation cited in the article are a good example of what happens when medical decisions are left to those not trained in medicine. Let us not conclude that the consequences of these regulations and our abhorrence of them indicate that the drugs they regulate are benign. The regulations are not benign and neither are the drugs. The author should have stuck to the issue of regulatory intimidation and not strayed into interpretation of medical data.

William Vine, M.D., Ph.D.
San Diego, CA

Jacob Sullum replies: I thank Mr. O'Hara and Mr. Weiner for their letters. The responses to my article, including several private communications from physicians, have been uniformly positive, with the exception of Dr. Vine's lengthy complaint. I am a bit puzzled by his condescending attitude, especially since he seems to agree with my thesis. I plead guilty to the crime of using anecdotes "to create empathy"; lock me up, along with every other journalist. As for the rest of the charges...

Dr. Vine accuses me of using "intellectually bankrupt methods," yet he fails to cite a single inaccuracy, logical fallacy, or piece of countervailing research. By using scare quotes, he insinuates that my sources are not *really* experts, but he does not explain the basis for that judgment. He says I used their comments "out of context," but he does not offer any examples.

When he gets down to specifics, Dr. Vine objects to my statement that, "compared to other pharmaceuticals, opioids are remarkably safe: The most serious side effect of long-term use is usually constipation, whereas over-the-counter analgesics can cause stomach, kidney, and liver damage." I was referring to long-term use of high doses for the treatment of chronic pain. In this context, opioids generally *are* preferable to aspirin, acetaminophen, and ibuprofen. Some patients

treated with narcotics experience side effects other than constipation, including those cited by Dr. Vine, but these are either unusual or less serious. More important, opioids do not cause organ damage, even in people who take large doses every day for years.

Dr. Vine notes that "opioids are lethal," but so is any drug (including aspirin) in a large enough dose. In discussing the long-term safety of narcotics for the treatment of chronic pain, I assumed, not unreasonably, that doctors would not prescribe lethal doses and that patients would follow their instructions. Since I described the case of a patient who failed to do so and died as a result (and also referred to "doses of narcotics that would kill the average person"), the risk of overdose should have been plain even to readers who had never heard that opioids can be fatal.

My article was about the impact of drug policy on pain treatment; it was not intended as a guide to the advantages and drawbacks of narcotics. The notion that my passing comment about long-term toxicity might lead someone to take (illicit?) opioids instead of Tylenol the next time he gets a headache is a bit of a stretch, I think. And for the reasons outlined below, it is misleading to say that the result of such a decision "could easily be addiction." Even so, Dr. Vine's concern that I did not pay enough attention to the hazards of narcotics is reasonable. In an earlier draft of the article, I noted that some patients, including David Covillion, experience severe (though not life-threatening) side effects from opioids. That passage was eliminated during the editing process. Had space allowed, I would also have discussed the risk of respiratory depression, which can complicate the treatment of patients who are near death (though it is not an issue for chronic pain patients like Covillion).

Dr. Vine claims that I do not describe a single painkiller addict. I take it he does not count my references to addiction among Civil War veterans and patent medicine consumers, or my discussion of Mary Tyrone in *A Long Day's Journey into Night* (a character modeled after Eugene O'Neill's mother). Nor did he notice my description of drug abuse by one of William Hurwitz's patients. I suppose I could have thrown in Johnny Cash, and maybe Michael Jackson too, but somehow I doubt that would have satisfied Dr. Vine.

I never denied that some patients treated with narcotics continue taking them for non-medical reasons. I simply reiterated what appears to be the consensus among pain experts (in my reading and interviews, I did not come across any who disagreed): that such outcomes are rare. This conclusion, which Dr. Vine seems to concede, is supported by substantial research during the past few decades, including, but not limited to, the reports I cited.

Dr. Vine is correct that different studies in different contexts have found different rates of "addiction" or "drug abuse" that could be traced to pain treatment. It stands to reason that a patient who takes a narcotic for many years is more likely to get psychologically hooked on it than someone who gets a dose or two after surgery. But even in the study of chronic pain patients to which he refers, both individuals who developed problems had histories of drug abuse (as did Johnny Cash). This is an important fact, because it illustrates that addiction is not simply a drug effect; circumstances and personality play crucial roles in determining an individual's relationship with a given substance. That's why talking about a drug's "addictiveness" can be misleading. As former National Institute on Drug Abuse Director Charles Schuster, no wild-eyed drug legalizer, put it, "We have endowed these drugs with a mysterious power to enslave that is overrated."

Dr. Vine asserts that the "ramifications of an addictive rate of 6 percent" would be "catastrophic and unacceptable." Does he mean that, if this rate applied to chronic pain patients, they should not receive narcotics? Depending on who's counting, 5 percent to 10 percent of drinkers are alcoholics, yet we do not therefore conclude that no one should have access to alcohol, even though heavy drinking is far more debilitating than daily opioid use (assuming a reliable supply, no drug mixing, and sanitary injection practices). Surely the reason someone in pain wants opioids is at least as compelling as the reason someone unwinding after a hard day at work wants a beer or a cocktail.

Ba-a-a-d Example

I am writing in regards to "Eternal Life," an article by Jonathan Rauch which ran in REASON back in the August/September 1996 issue. Rauch's comments about the National Sheep Industry Improvement Center were incorrect and are continuing to result in inflammatory misinformation about the U.S. sheep industry as other publications—most recently the January 1997 issue of *Reader's Digest*—print excerpts from this one-sided, erroneous article.

Rauch started his article by writing about the wool subsidy established in 1954. That program was called the National Wool Act. It was enacted solely to level the financial playing field between U.S. sheep producers and their Australian and New Zealand counterparts, who were flooding the U.S. market with their products. What Rauch didn't include in his article is the fact that the Wool Act was phased out in 1993 under the guise of budget cuts. More important, he chose to omit the fact that the Wool Act was paid for by tariffs at no cost to taxpayers.

Since the Wool Act's three-year phase-out—which was completed last year—an estimated 25 percent of U.S. sheep producers have gone out of business. Their sudden withdrawal from the industry has resulted in crumbling infrastructure and economic losses, especially in rural communities where individuals derive a significant portion of their income from the U.S. sheep industry.

The National Sheep Industry Improvement Center addresses the U.S. sheep industry and rural economic development. It is not a continuation of the Wool Act, which provided payments directly to sheep producers, as Rauch said. It is a rural economic development program that will help rebuild the U.S. sheep industry's crumbling infrastructure.

It is only one of many programs designed to support America's working families who raise food and fiber, pay taxes, and support their communities. It is the industry's best hope for keeping alive an industry which economists estimate contributes $6.7 billion annually to the national economy. It is a $20 million one-time appropriation with a total of $50 million allowed over 10 years—a

fraction of what's being collected through wool tariffs. It is an investment in American business and industry.

This working program for working families ought to be supported. Unfortunately, when irresponsible journalists like Jonathan Rauch start spreading misinformation and innuendos, the challenge for the U.S. sheep industry to persevere becomes unnecessarily more burdensome.

Steve Raftopoulos
President
American Sheep Industry Association
Englewood, CO

Jonathan Rauch replies: REASON readers can judge for themselves the importance of the National Sheep Industry Improvement Center. They can also weigh the rather bold argument that, because American consumers subsidize wool producers by paying tariffs, American taxpayers should also subsidize wool producers by financing a sheep industry center. But Steve Raftopoulos's sloppy letter does make me wonder whose article, if any, he actually read. He says, "What Rauch didn't include in his article is the fact that the Wool Act was phased out in 1993." I wrote: "Finally, in 1993, a Democratic Congress...killed the whole thing." He says that the sheep center "is not a continuation of the Wool Act,... as Rauch said." I wrote that the center is a new program enacted in 1996, empowered to "enhance production and marketing of sheep or goat products in the United States"—a direct quotation from the law.

To call any journalist an "irresponsible" spreader of "misinformation and innuendos" requires, it seems to me, the citation of at least one contrary fact. Otherwise, to whom does the charge stick?

Gay Rites

Nick Gillespie defends homosexual marriage on the basis of "free choice" and of the inevitability that our "evolutionary" society will ratify it in his editorial "Wedding Bell News" (December). Yet he fails to recognize that one person's choice in our complex society can never occur in a social vacuum where other citizens' equal right to choice is not infringed upon, or denied outright. Homosexuals may be free to choose their lifestyle, but government is not free to coerce other Americans into legitimizing such behavior.

When government, in the name of a city council, a governor, a legislature, or the U.S. Supreme Court, attempts to coerce citizens into legitimizing, crediting, affirming, and paying for homosexual behavior, whether dressed up in wedding gowns or any other garb, it is a violation of the American citizen's fundamental right to conscience, privacy, association, and, yes, our fundamental right to discriminate among personal behavior patterns, no matter whose. It is by precisely such coercion, as manifested by the Supreme Court when it provided near–protected class status in response to Colorado's Amendment 2, that government loses its legitimacy.

Gillespie is correct when he tells us that a private employer has the right to offer employee benefits to anyone it chooses to, including homosexual partners. Consumers have an equal right to take such corporate policy into account in the marketplace.

By ratifying homosexual choice as part of society's evolution, Gillespie seems prepared to deny the rest of society their equal right to affect that evolution as they see fit. If Gillespie's comments represent contemporary libertarianism, it is not difficult to see why libertarians have such a difficult time in the political marketplace.

Whitney H. Galbraith
Editor
Rights In America
Colorado Springs, CO

The first two issues of REASON to show up in my mailbox left me feeling vaguely uneasy. I now understand why: There is no reason behind REASON. With no appeal to natural law, you have lost all force of moral persuasion. Nothing is left but personal preference. If my preference is otherwise, you can only whine in the wind or else bring down on me the compelling force of the state, which appears to be against your preference (today).

Personal preference, even though espoused by the majority, is a rotten basis for public policy. Personal choices usually have consequences that impact other people, and conversely, public policy guides personal choices. When marriage is nothing more than an adult consensual relationship, nobody has the motivation to work through the difficulties necessary to make it work in tough times as well as good, and if we cannot keep our commitments to family, what motive is there to do so for work or the neighborhood or the country? Children who have not yet developed moral habits understand this far better than adults. That is why the only reliable predictor for crime in the streets in the United States today is the lack of fathers in the home. We need one man and one woman, married and committed to each other. No civilization in recorded history has survived the breakdown of traditional marriage. We will not be the first.

The whole purpose for marriage benefits in the workplace and from government is to encourage that social good, and (by implication) to deprecate the alternatives. IBM lamentably has joined Disney and AT&T in being part of the problem; Congress, for a change in this one case, is becoming part of the solution.

Tom Pittman
72457.2237@CompuServe.com

"Wedding Bell News" misses the point, which is that the government has no business trying to shape social policy through tax policy in the first place. The benefits accruing to heterosexual marriage through the asinine, though admittedly warm and fuzzy, actions of our government were an attempt to provide for the well-being of the family, consisting, it was thought, of a man and a woman and their offspring. If the government had been willing to allow employers to pay employees whatever they were worth, in cash, and employees to know that they were going to have to take care of themselves, this whole question of homosexual marriage would be moot, since there would be no cash value to the institution.

Heterosexuals, homosexuals, molesters of beasts of the field, onanists, and those who have found other alternatives, all have exactly the same rights, and they are listed in the Constitution and the Bill of Rights. All else is tinkering. What is needed is not globules of gushing goo

about how they should have just as many rights and privileges as them, poured forth in order that we may stand back and exclaim "what a good boy am I!," but a determined effort to drive government out of the business of running our lives. That accomplished, those people who stole the word *gay* and made it into something dirty won't have to whine and whimper; there will be no profit in it.

R. L. Fenerty
Turbotville, PA

Nick Gillespie replies: Why is it that few topics arouse more ire than those relating to homosexuality or, more precisely, public policy as it relates to gays and lesbians? My editorial did not examine whether the various government subsidies to heterosexual marriage, such as tax breaks, were a good thing. *Asinine* wouldn't be my first choice as an adjective, but I essentially agree with R. L. Fenerty that such policies are misguided.

However, I believe Fenerty misses one of the major functions of matrimony by assuming that gays merely want to realize the "cash value to the institution." Apart from potential tax savings (or penalties, depending on the relative earnings of the people involved), marriage also serves as a public declaration of feelings—and an acceptance of the various rights and responsibilities explicitly and implicitly spelled out in the marriage contract. If the federal government wishes to promote "responsible" behavior (as it always claims to), the Defense of Marriage Act strikes me as an odd bit of legislation.

In general, I also agree with Whitney H. Galbraith that the government should not be "free to coerce...Americans into legitimizing" behavior which they find immoral and distasteful, and that citizens have "fundamental rights to conscience, privacy, association and...discrimina[tion]." Those are reasons for advocating a minimal state—no one should be forced into supporting something they decry (including, perhaps, heterosexual marriage). Better we have a neutral referee that allows individuals and voluntary associations the greatest latitude possible in living their lives (the limit being, of course, infringement on others' equal rights). Galbraith, however, mistakenly draws an equivalence between a private employer and the state. IBM can only set policy for its employees and perhaps its customers, both of whom can leave whenever they want. While private employers should have a much freer hand in setting policy, the government, precisely because it has a monopoly on force, must be held to a different standard—one that rejects simple majoritarianism as a means of setting policy.

Tom Pittman accuses REASON of having "lost all force of moral persuasion" by espousing naught "but personal preference." What can I say? Perhaps the moral argument that individuals are ends in themselves doesn't move Mr. Pittman, whose recourse to "natural law" is opaque at best. His invocation of the "traditional marriage" certainly doesn't move me. Traditional in what sense and for what period? The institution of marriage continues to evolve over time; as Ludwig von Mises has pointed out, for instance, the idea of a marriage contract that treats men and women as equals is a relatively recent development and "a branch of the great liberal movement." Mr. Pittman's conflation of marriage with child rearing ignores the fact that many heterosexual couples cannot or choose not to have children. Apparently, his "natural law" would dissolve such "unnatural" arrangements. Finally, although tax laws make non-wage benefits relatively cheaper for employers and employee alike, businesses do not offer compensation of any kind primarily for a "social good." They do so to hold on to productive workers in a competitive marketplace.

Trade Disputes

In his review of my book *Opening America's Market: U.S. Foreign Trade Policy Since 1776* ("Trade Happens," January), Ramesh Ponnuru misrepresents my views. He asserts that "Eckes attributes the election of the Republican Congress in 1994 to public anger over the North American Free Trade Agreement," and then attempts to ridicule that interpretation. Unfortunately for Ponnuru, he attacks a straw argument. Nowhere in the book do I make that simplistic claim. My interpretation is more complex: "Economic insecurity, including anxiety over globalization, job losses, and declining living standards, contributed importantly to this outcome."

This slipshod example typifies Ponnuru's superficial review. He faults the book for not giving enough attention to persons (like Albert Gallatin and Thomas Jefferson) and topics (the tariff during the Civil War, the arguments of early American free traders) that he deems important. This is arrogance at its worst. A reviewer can always slam an author for not writing the reviewer's ideal book.

Finally, Ponnuru seems to think that my facts do not square with his theories. This is the criticism historians frequently hear from amateurs and polemicists ignorant of the documentary record. Ponnuru needs to visit the National Archives and gather some dust under his fingernails reading primary sources. Familiarity with the documents might jar his sophomoric illusions about protectionism and Smoot-Hawley.

Alfred Eckes
Ohio University
Athens, OH

Ramesh Ponnuru replies: Despite Prof. Eckes's scholarly letter, I still don't quite understand why voters worried about "globalization" would have elected Republican congressmen, who tended to support NAFTA. But I'll confess to slightly oversimplifying Eckes's claim if he owns up to the statistical chicanery and slippery arguments which I exposed and which he now passes over in understandable silence. If he rereads my review, Eckes will see that I didn't fault him simply because he paid insufficient attention to figures like Jefferson and Gallatin, but because his attention was so selective and tendentious as to misrepresent their views. Prof. Eckes evidently believes that his archival work, impressive in some respects, entitles him to use such tactics and even to dispense with logic. I suspect I will not be able to argue him out of that position.

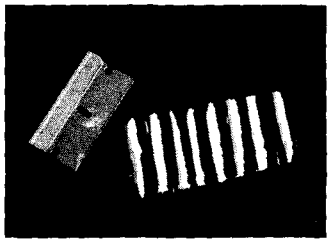
CORRECTION

In the February issue, the e-mail address for James D. Wright on page 64 was incorrect. The correct e-mail address is ssr@mailhost.tcf.tulane.edu.

Unjust Weights

By Jacob Sullum

Take six grams of cocaine, add some water and baking soda, and pop it in the microwave. Now you have crack. What's the difference? Pharmacologically, none. Legally, at least four years. Federal law imposes a mandatory minimum sentence of five years (with no parole) for possession of five grams or more of crack by a first-time offender. To get the same penalty for cocaine powder, you'd need half a kilo.



PHOTODISC

This 100-to-1 disparity, which Congress created at the height of the crack panic in the 1980s, has often been criticized as unjust, especially since crack defendants are overwhelmingly black, while powder defendants are mostly white and Hispanic. In 1995 the U.S. Sentencing Commission recommended that the distinction be eliminated, a proposal that was rejected by Congress and the White House. Now two psychologists specializing in addiction, the University of Minnesota's Dorothy K. Hatsukami and Columbia University's Marian Fischman, have joined the critics with an article in the November 20 *Journal of the American Medical Association.*

After reviewing two decades of research comparing smoked and snorted cocaine, Hatsukami and Fischman concluded that the evidence does not justify the notion that crack is 100 times worse than cocaine powder. Nevertheless, they found that crack is more addictive, since smoking cocaine (like injecting it) produces a faster, more intense, and shorter high than snorting it. That, they say, justifies somewhat harsher penalties. "We do not want to see an end to the differential," Hatsukami told UPI, "but we think that it should be 2 or 3 to 1, not 100 to 1."

Death and Taxes

By Brian Doherty

Los Angeles is reeling as its beloved Dodgers—the last family-owned team in the big leagues—are put up for sale. Patriarch Peter O'Malley blames estate taxes, which would hit a Dodger-sized estate at 55 percent, meaning the family would have to come up with cash worth 55 percent of the team's value to pony over to the IRS.

Even before this potential tragedy for L.A.—who knows if a new corporate owner will remain true to the city?—California Republican Rep. Christopher Cox was pushing legislation to repeal the estate tax, and he has 97 Republicans and even five Democrats as co-sponsors. Gutting the estate tax, political columnist David Schribman wrote in the November 11 issue of *Fortune*, could be "a surprisingly prominent element in...Republican legislative priorities" this year.

The tax might seem to pound only the plutocrats. It also might seem, because of the high rates, to be a big money maker for the feds. But the estate tax's effect is both bigger and smaller than you might think, according to a new paper from the Center for the Study of Taxation in Costa Mesa, California.

The tax hits mostly family-owned businesses, 87 percent of which don't survive to a third generation. (Nearly 90 percent of estate taxes are paid on estates worth less than $2.5 million.) The Small Business Survival Committee estimates that 90 percent of family businesses that fail right after the founder dies do so because the business doesn't have enough liquid cash to pay the estate taxes. In a 1993 study, Richard Wagner, chairman of George Mason University's economics department, estimated that estate taxes have cost 262,000 jobs since 1971.

Which means that even the feds aren't getting their money's worth from estate taxes—which amount to less than 1 percent of the budget, generally less than $15 billion a year. With the income taxes lost due to stifled job creation

Balance Sheet

By Rick Henderson

ASSETS

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▲ Open Season. Sen. Spence Abraham (R-Mich.), new chairman of the immigration subcommittee, strikes back at restrictionist conservatives. At a Silicon Valley event, he assures backers of family- and business-based immigration that no major cutbacks will occur on his watch. And he calls for considering the separation of the Immigration and Naturalization Service into two agencies, one to process applications and another to enforce the law.

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▼ **Web Stringers.** Tired of crawling across the World Wide Web? It's not all America Online's fault. An FCC regulation limits the amount of power modems use when they send data across a standard telephone line, making transmissions faster than 28.8 kbps dicey. FCC foot-dragging prevents US Robotics, Lucent Technologies, and Rockwell from developing dependable transmission standards for 56.6-kbps modems and their even swifter successors. As a result, few of the hot boxes currently advertised really run as fast as you'd think.

▼ **Child Abuse.** Despite labor union and Clintonista demands to extend Medicaid coverage to all children, the National Center for Policy Analysis discovers no crisis of uninsured kids. Using U.S. Census figures, the NCPA finds about 13 percent of native-born children lack medical insurance, a figure that's been steady for a decade. Around one-third of foreign-born children have no health insurance, but most of them would never qualify for Medicaid in the first place.

▼ **Safety Dance.** The estimated 1,700 lives "saved" by air-bag usage, reports *The Wall Street Journal*, is little better than a random guess by federal regulators. National Highway Traffic Safety Administration officials confess they don't track how many accident survivors in cars with air bags wore seat belts. Seat belt use, which now exceeds 70 percent, likely saves more lives than air bags ever could.

▼ **Wing Nuts.** Last year "family-friendly" conservatives savaged the flat tax for allegedly undervaluing "human capital." Now the Family Research Council's Gary Bauer attacks Social Security privatization. In a *New York Times* op-ed, Bauer praises the benefits Social Security lavishes on wives and widows who never take jobs outside the home. Privatization, he fears, will only encourage women to go to work.

LIABILITIES

and money spent on estate planning, plus enforcement and compliance costs that can be higher than 50 cents on the dollar, even that small federal benefit might be an exaggeration.

Hair-Raising Laws

By Virginia I. Postrel

When Margurite Sylva came to America from Senegal in West Africa, she was looking for economic opportunity. But she also had a cultural mission. She wanted, says her business partner Ali Rasheed, "to teach African Americans the *traditional* braiding styles of their ancestors, thousands of years old." To get the required license, she went to cosmetology school. There she learned state-mandated techniques based on flapper-era hairstyles and 1950s permanent waves and heard not a word about braids, cornrows, hairlocking, or any other styles designed for the natural textures of African hair. As far as the state was concerned, the only thing to do with such hair was chemically straighten it.

IJ plaintiff JoAnne Cornwell

Sylva opened up a small, somewhat clandestine shop devoted exclusively to braiding. It grew rapidly, developing a three-month waiting list. To expand, she hooked up with Rasheed and his wife. Their joint venture, the Braiderie, did not stay in the informal market, however. It operated openly, built up a 400-person client base in its first year, and soon added a second San Diego–area shop.

That's when state regulators came calling. They fined the Braiderie $100 for "aiding and abetting" unlicensed braiding activity. Many of the shop's seven braiders learned their craft in Africa and have neither the 1,600 hours nor $5,000 to $7,000 it takes to get a California cosmetology license, which is irrelevant to their work anyway.

Now the Institute for Justice, a Washington, D.C.-based public interest law firm, is suing the state of California on behalf of hair braiders like Sylva. It argues that the state's cosmetology regulations have no relationship to the services performed by natural African hair stylists and therefore deprive them of their economic liberties under the California and U.S. Constitutions.

"What we seek is a rule of law that requires that when government regulates entry into a business or profession its regulations must be reasonably related to health and safety objectives," says IJ litigation director Clint Bolick. "This very common sense standard cannot possibly be met by the cosmetology regulatory regime."

"You go from a few thousand dollars to a business that is supporting seven or ▶

BRICKBATS

♦ Five-year-old Ryan Hudson just knew that his parents had a little device that made cool noises. He didn't know that it was a beeper. And he didn't know that his Newport News, Virginia, school system has a policy that forbids students from bringing beepers to class. He does now. Ryan took the beeper when his parents weren't looking and brought it to kindergarten. A teacher found it, and Ryan was suspended from school.

♦ Meanwhile, in the neighboring state of Maryland, Baltimore school officials are tackling equally weighty matters. They've been looking into a certain Mr. Froggy and his courtin' style. Specifically, they put together a committee that recommended not allowing elementary school students access to a book that illustrates the song. Seems that some parents didn't remember the song very well. They read the book and were shocked to find that Froggy did more than just ride, uh hum, uh hum. He smoked, caroused, and carried concealed weapons. They decided that this wasn't the sort of message impressionable young children should hear.

♦ No country has done more to eliminate trash than Germany. That's why they are looking desperately for some. Reduction and recycling laws have cut waste dramatically, but that leaves government-built incinerators and landfills idle. To remedy this situation, Germany is importing trash. The city of Dusseldorf tried to order one firm to stop shipping waste to a Belgian cement factory, which paid for it, and send it to a local dis- ▶

BRICKBATS

posal plant, which charges to take it. The factory got a temporary injunction, and the Belgians have petitioned the European Union to bar "garbage protectionism."

♦ Get ready for the latest toy sensations: Sara and her brother, Dara. Sara comes dressed in Islam's traditional floor-length gown, the chador. Dara is dressed like an Islamic cleric or mullah. They are Iran's attempts to fight off Western imperialism, specifically Barbie, which is quite a popular doll in that country. Said Sara and Dara's designer, Majid Ghaderi, "Barbie is an American woman who never wants to get pregnant and have babies. She never wants to look old, and this contradicts our culture."

♦ Malaysia has seen a troubling uptick in abandoned babies. But one local politician thinks he has the solution. Nik Aziz Nik Mat, chief minister of the state of Kelantan, has warned women not to wear "excessive lipstick." Says Nik Aziz of the abandoned babies, "I am sure 99 percent of the mothers involved wear cosmetics."

♦ In Venezuela, astrologer Jose Bernardo Gomez predicted that President Rafael Caldera will die this year. That doesn't seem like a terribly risky prediction, considering that Caldera is 80, and Gomez cautions that death is just "symbolic language that could be physical or something of another order." But it proved quite risky for the stargazer. He was detained and questioned for two days by the widely feared Department of In- ▶

Chip Bok

eight people, plus people in a foreign country who can't make a living. We think that's the American dream," says Rasheed. "And to be *penalized* for doing this by somebody who has no idea what you do, somebody who is really trying to protect their industry, we think is un-American."

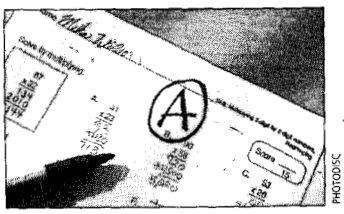
Mixed Choice

By Ed Carson

Another study evaluating Milwaukee's school choice program, which provides scholarships for approximately 1,300 low-income students to attend secular private schools, gives the program mixed grades. In the study, Cecilia Elena Rouse, assistant professor of economics and public policy at Princeton University, finds that the program has produced "quite large" improvements in students' math test scores. However, she finds no statistically significant improvement in reading scores.

Previously, a University of Wisconsin study had concluded that Milwaukee's program had no effect on math or reading test scores. That finding was contradicted last summer by researchers from Harvard University and the University of Houston who found that the choice program had improved both math and reading test scores. (See "Choice Cuts," Dec.)

All three studies relied on the same data, so how did they come to different conclusions? The data are "messy," says Rouse. They cover only a small number of students over a brief period of time, and much of the information is missing. So seemingly trivial differences in interpretation and methodology have a big impact on the final results.


PHOTODISC

One example: Researchers must infer students' grade levels from test scores. If a student misses a test one year, researchers must "impute" the student's grade level by looking forward to future test scores, or back to previous tests. But the direction from which researchers impute can determine whether the findings show students improved by a statistically significant amount, or not at all.

Nevertheless, Rouse concludes that the program appears to be a qualified success: "I find that the Milwaukee Parental Choice Program and the participating private schools likely increased math scores by 1.5 to two percentage points a year....When I total the math and reading scores, I estimate that private students gained approximately 1.3 percentage points a year."

Hillary and Ebonics

By Brian Doherty

Ebonics may have temporarily replaced the First Family as a topic for right-wing ire. Strangely, though, the two are linked; Ebonics is something else for which Hillary Clinton might be to blame. The idea that black English is its own language

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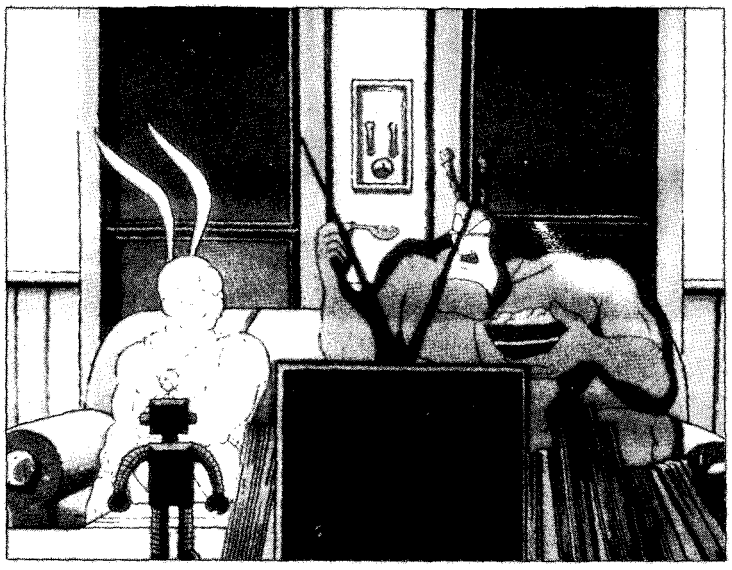


©FOX CHILDREN'S NETWORK

Ticks Are For Kids?

Behold the Tick, a dimwitted but nigh-indestructible superhero with his own cartoon show. He delivers long-winded, metaphor-twisting speeches; his fellow postmodern "superheroes" include Die Fledermaus and the Civically Minded Five (Carpeted Man among them); and the villains he fights suffer serious personality disorders. *The Tick* is not one show but two, though they consist of the same program, a trick made possible by TV-choice technology and niche programming. It is a self-contained lesson in the New Media. The show started in 1995 as a Saturday morning kid-TV series. While its plots featured adventures that children enjoy, its scripts were filled with references and situations better appreciated by media-savvy adults. Once, Mental Man created the illusion that he was a baby; his pursuers set their holographic projectors on "Dingo," referencing a Meryl Streep movie that exploited a lurid news story. *The Tick* quickly developed an adult following. So this season, an episode airs first on Saturday morning on Fox as a kids' show, then it does a semiotic quick-change and runs a week later on Comedy Central as self-referential satire. Elites bemoan niche programming; what we gain in entertainment, they say, we lose in common culture. *The Tick* addresses relative cultural experiences in ways they never dreamed of.

—Ed Carson

deserving special consideration dates back a while. It was during Hillary's late '70s tenure as chair of the Legal Services Corporation that an LSC grantee first tried to sue the federal government to define black English as a separate language—which would require the state to provide blacks with mandatory remedial language training.

COPS on Hiatus?

By Nick Gillespie

Remember the Clinton administration's promise to put 100,000 cops on the streets? For cities, it seemed like a dream come true: The Violent Crime Control and Law Enforcement Act of 1994 authorized $9 billion to hire as many as 100,000 new police. Under a program called Community Oriented Policing Services, the federal government promised to pick up 75 percent of the cost of hiring new police officers for three years; local governments only had to pony up the remaining 25 percent of salary and benefit outlays and agree to fund the cops for the full six years of the grant program. The deal was so good, in fact, that about 9,000 cities nationwide used COPS money to hire an extra 18,000 cops (itself a far cry from the magic number 100,000 bandied about by program supporters).

The bill for the COPS program, however, is due, and cities are now scrambling to figure out how they will pay for their beefed-up police departments. Places such as San Diego—which gave back grants for 40 cops because city officials couldn't guarantee future cash to cover the new hires—are sitting pretty.

LIBRARY OF CONGRESS

More typical is St. Louis, which added 23 cops at a cost of about $1.7 million a year. The city's options include raising taxes, cutting other police costs, and squeezing other parts of the city budget. "I truly don't believe that many cities, including us, thought about how we were ever going to be able to afford [the police officers] when the grants ran out," Sgt. Robert Heimberger, St. Louis's COPS coordinator, told *USA Today*.

Keeping Canada Culturally Pristine

By Michael W. Lynch

While Americans eagerly welcome the return of Darth Vader to their local theaters, our neighbors to the north risk arrest if they hook up to what Canada's culturecrats call the Death Stars: the satellites that deliver such digital satellite services as DirecTV and USSB.

Although it is legal to own a satellite dish in Canada, it is illegal to subscribe to unlicensed American companies. Still, fed up with cable regulations that force them to purchase Canadian-produced channels in order to receive such American favorites as HBO, CNN, and BET, at least 200,000 Canadians have used American addresses to sign up for DSS providers. This has Canada's culturecrats steaming.

"Everyone involved—pirate, retailer and purchaser—could be charged with a criminal offense," Minister of Industry John Manley told *The Boston Globe*.

The assault on DSS is the latest reinforcement to the increasingly porous barricade the Canadian government has attempted to erect against American cultural exports, which include books, magazines, television, movies, and even country music.

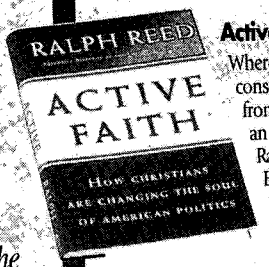
In 1994, a Canadian bureaucracy kicked the American-owned *Country Music* ▶

A Country Is Only As Solid As The Foundation On Which It Is Built.

America From A Christian Perspective. Only From the Conservative Book Club.

Almighty God; we make our earnest prayer that Thou wilt keep the United States in Thy holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large. And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility and pacific temper of mind which were the characteristics of the Divine author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation. Grant our supplication, we beseech Thee, through Jesus Christ our Lord. Amen.

This 9-foot sculpture of George Washington at prayer is located on the grounds of Freedoms Foundation at Valley Forge.



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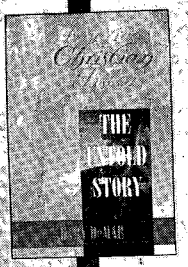

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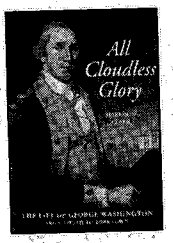

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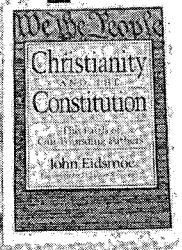

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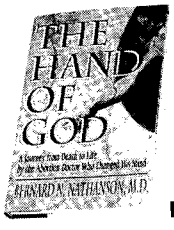

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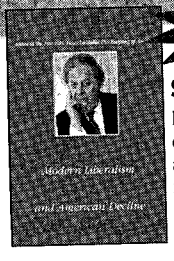

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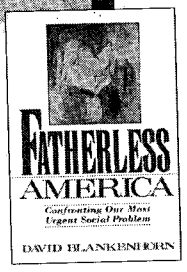

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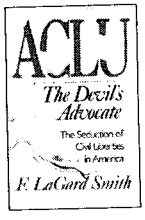

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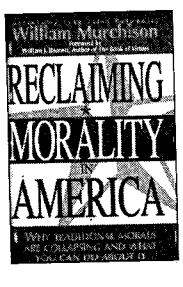

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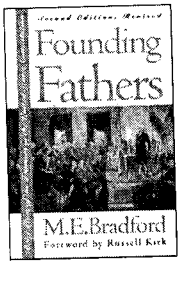

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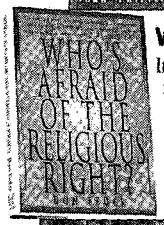

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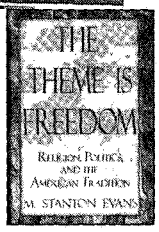

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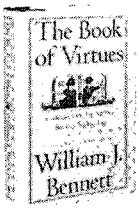

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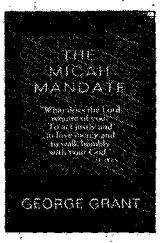

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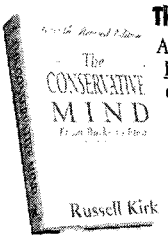

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telligence and Prevention. The intelligence officers wanted to know where Gomez got his information.

◆ In Capetown, South Africa, 1,500 people marched on parliament chanting, "We want justice. We want peace." They demanded that the police do something to stop the violence in the city's mixed-race townships. And they had good reason to complain. The marchers were thieves, murderers, and drug dealers, and they are alarmed by the growing, and often deadly, vigilante actions against them.

◆ What would you do if you were a suspected thief being chased by a police dog? One Miami man had an idea. Ricardo Culberson bit the dog on the neck. The dog is fine. The bite didn't even break the skin. But Culberson was pepper-sprayed, handcuffed, and taken to jail, where he faces charges of armed robbery, carjacking, and biting a police dog.

—Charles Oliver

SOURCE

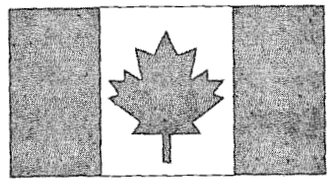
The National Bureau of Economic Research, a private nonprofit research organization founded in 1920, has a new Web site (**www.nber.org**). It features abstracts of thousands of NBER working papers of economic research and over 3,500 time series of economic statistics on such matters as foreign trade, income and employment, interest rates, prices, transaction volumes, and leading indicators. The site features a convenient key-word search engine.

Scott Stantis

Channel (CMC) off Canadian cable systems, giving its spot to the newly created Canadian-owned New Country Network (NCN). It wasn't until a year and a half later, in September 1996, that the owners of CMC were allowed back into the Canadian market, by buying a 20 percent stake in NCN.

Other acts of cultural protectionism include prohibiting Borders Books from operating north of the American border and imposing an 80 percent tax on the advertising value of American magazines. Still, 70 percent of the magazines read and 93 percent of the movies watched by Canadians have American roots.

"There is a very strong dominance in the cultural industries of the Canadian marketplace by the United States," Canada's minister for international trade lamented to *The New York Times*. "We come at this from the point of preserving culture and identity."



The Center Folds

By Rick Henderson

One hoary post-election tradition is the voter survey, and in November 1996 the centrist Democratic Leadership Council asked more than 150 questions of 1,200 registered voters nationwide. The results, packaged as *Rebuilding the Vital Center*, offer supporters of limited government some cheery news.

When asked what they thought the proper role of the federal government is, more than twice as many respondents stated it should not interfere with people's lives (30 percent) as said it should "solve problems and protect people from adversity" (13 percent). More people believed that the government should stay out of the economy (18 percent) than said the government "should spend on social programs" (15 percent). Meanwhile, when asked to choose between "better" government and smaller government, only 28 percent said that the federal government should "deliver essential services at a reasonable cost." More than twice as many, 65 percent, said "the federal government has become too big and intrusive and needs to be cut back no matter what."

Many of the other questions presented typical partisan claptrap—asking self-described Clinton voters how important it was to them that he signed the Brady Bill, or "stepped up efforts to bar illegal immigration," or "helped to enhance peace efforts in Ireland, Bosnia, and the Middle East."

The way other questions were formulated, however, underscores the egotism that runs wild inside the Beltway. How important was it for a Clinton voter that the president "cleaned up toxic waste sites and increased safeguards for meat and poultry"? (Imagine Slick Willie in a

moon suit.) Or that he "helped move one million people from welfare to work"? (Wow. The Executive Branch must hire lots of folks.) Or that his "budget plan resulted in a 60% decrease in the deficit"? (As if the GOP Congress didn't nudge him along.)

In the foreword, DLC President Al From says, "Clinton's decisive victory offers a roadmap for Democrats to forge a new and lasting majority coalition in national politics." Of course, he couldn't get an old, temporary majority to vote for him in either presidential race.

DATA

Dishonor Roll

By Nick Gillespie

A recent report card on U.S. public schools issued by *Education Week* and the Pew Charitable Trusts displays the sorts of grades kids try to hide from parents. Overall, public schools earned a B for standards and assessments, a C for quality of teaching, and a C- for school "climate" (organization and operation). The report breaks down marks for resources (i.e., money, infrastructure, and equipment) into three subcategories: adequacy (C+), equity (B-), and allocation (C-).

The authors lament that little of the past 10 years' increase in educational spending has found its way into the classrooms: "Most...increased funding has been spent on the approximately 12 percent of students in special education, on trying to keep up with enrollment growth, and on rising salaries for an aging teaching force."

The table below shows two measures used to grade American schools: state-by-state results of the National Assessment of Educational Progress exams in 4th-grade reading proficiency and 8th-grade math proficiency. Numbers represent the percentage of students who score at the "proficient" level or above.

Percentage of Students Proficient or Above on Exams

State	4th grade reading	8th grade math	State	4th grade reading	8th grade math	State	4th grade reading	8th grade math
AL	23	10	LA	15	7	OH	n/a	18
AK	n/a	n/a	ME	41	26	OK	n/a	17
AZ	24	15	MD	26	20	OR	n/a	n/a
AR	24	10	MA	36	23	PA	30	22
CA	18	16	MI	n/a	19	RI	32	16
CO	28	22	MN	33	31	SC	20	15
CT	38	26	MS	18	6	SD	n/a	n/a
DE	23	15	MO	31	20	TN	27	12
FL	23	15	MT	35	n/a	TX	26	18
GA	26	13	NE	34	26	UT	30	22
HI	19	14	NV	n/a	n/a	VT	n/a	n/a
ID	n/a	22	NH	36	25	VA	26	19
IL	n/a	n/a	NJ	33	24	WA	27	n/a
IN	33	20	NM	21	11	WV	26	10
IA	35	31	NY	27	20	WI	35	27
KN	n/a	n/a	NC	30	12	WY	32	21
KY	26	14	ND	38	30	US	28	21

Source: *Education Week*

Captain Weatherman

By Brian Doherty

You wouldn't think the National Oceanic and Atmospheric Administration —responsible for such things as fisheries, charting the coast, and weather satellite data—would often need to call in the troops. But NOAA has its own commissioned corps with 332 uniformed officers paid full military compensation, including a full pension after 20 years of service, regardless of age.

This quasi-military system makes the NOAA corps cost

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around $661,000 a year more than it would if officers were paid as normal civilian employees. But that system might be on its way out. Downsizing in the Department of Commerce, responsible for the NOAA, has already eliminated more than 50 of these officers since 1994, and NOAA management is finally thinking about dumping its military corps altogether.

In World War II, NOAA's ancestor agency, the Coast and Geodetic Survey, had most of its officers and ships transferred to the control of the armed services. Although this control ended with the war, and the Department of Defense says the corps doesn't meet its criteria for military compensation, the NOAA officer corps has enjoyed military-style compensation ever since.

Pot Pass

By Jacob Sullum

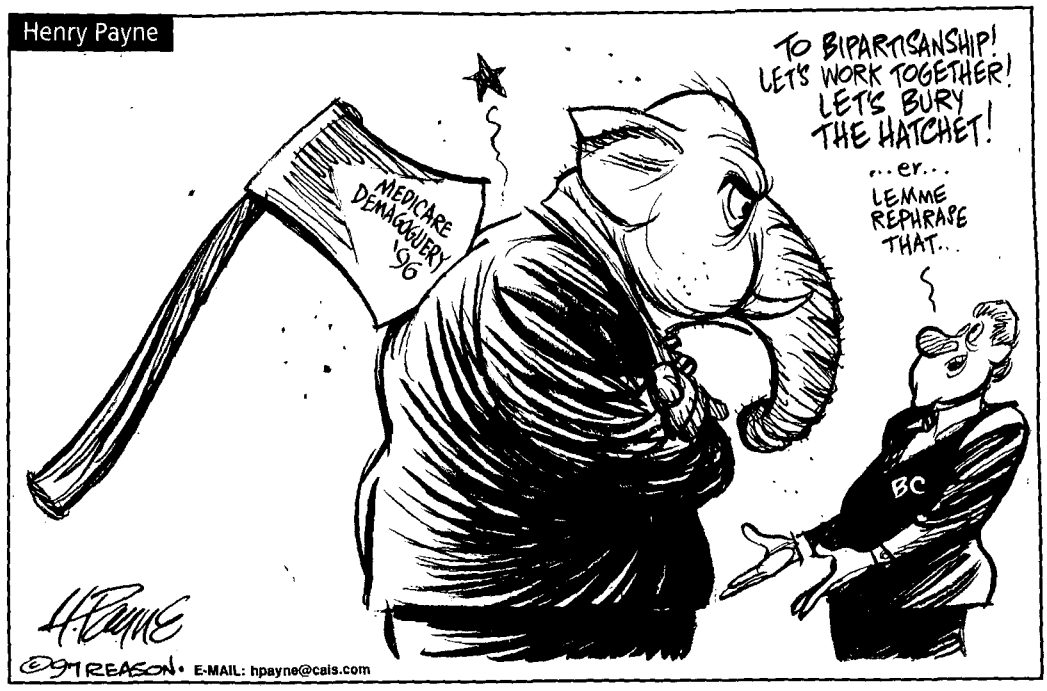
Although the initiatives in Arizona and California have attracted the most attention, many other states have recognized the medical use of marijuana to some extent.

In January, implementing a law passed by the state legislature in 1996, the Massachusetts Department of Health announced that a state-appointed panel of three physicians would issue medical marijuana certificates to patients suffering from glaucoma, asthma, and the side effects of chemotherapy. A patient with a certificate would have a prima facie defense against marijuana possession charges. "We're trying to get certificates into the hands of people who meet the medical criteria," said Public Health ▶

QUOTES

"Abuse of power isn't limited to the bad guys of other nations, either. It happens in our country if we're not vigilant. At Waco, was there really an urgency to get those people out of the compound at that particular time?...At Ruby Ridge, there was one guy in a cabin on top of the mountain. Was it necessary for federal agents to go up there, shoot a 14-year-old in the back and shoot a woman with a child in her arms? What kind of mentality does that? When will the agents of the FBI say, 'Wait a second! I don't want to shoot people—we can wait them out, because eventually they're going to go to the market?' Whether you agree with someone's philosophy or politics, they are still human beings and deserve to be treated as such."
—Clint Eastwood, in *Parade* magazine, January 12, 1997

"We want to make a very strong statement that it is worth it to this country to invest in these middle-class students. We believe it will help them reengage in civic life and make them believe that government does something for them too."
—Assistant Secretary of Education David Longanecker on February 5, defending the Clinton administration's proposal to provide massive new federal subsidies for middle-class college students


Henry Payne
TO BIPARTISANSHIP! LET'S WORK TOGETHER! LET'S BURY THE HATCHET!
...er... LEMME REPHRASE THAT...
MEDICARE DEMAGOGUERY '96
BC
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Commissioner David Mulligan. "Who is going to prosecute someone who has a certificate saying they have a medical condition that requires [marijuana]?"

Ohio also approved a medical marijuana law last year, allowing people charged with possession or cultivation to argue in court that they were using the drug for therapeutic purposes, provided they have a doctor's written recommendation. The law, which does not prevent prosecution or guarantee acquittal, is essentially a statutory version of the common-law medical necessity defense, which patients arrested on marijuana charges have used successfully in Idaho, Florida, Washington, and the District of Columbia. Last fall Ohio Gov. George Voinovich and Attorney General Betty Montgomery said they did not realize the medical marijuana defense was part of a sentencing bill they had both supported, and Montgomery promised to seek its repeal this year.

Similarly, legislators in Virginia, awakened by the publicity surrounding the Arizona and California initiatives, are trying to eliminate a 1979 law that allows doctors to prescribe marijuana or THC for cancer and glaucoma patients. According to a September 1996 report from the Marijuana Policy Project, Virginia was one of 23 states with current medical marijuana laws. Such laws had been repealed in seven states and had expired in four (including Arizona and California). Almost all of these statutes were passed in the late 1970s or early '80s, and either a legal source of marijuana was never available or the drug was provided as part of a research program that is now moribund.

Big Country?

By Ed Carson

Since the Industrial Revolution, people have been concentrating in urban areas. But that may be changing. From 1990 to 1995, population in rural U.S. counties increased by an estimated 5.1 percent, according to a new study by demographers Kenneth Johnson of Loyola University and Calvin Beale of the U.S. Agriculture Department. During the entire 1980s, rural population grew by 1.3 million, but in the first half of this decade it jumped by 2.6 million. Metropolitan population rose faster, at 5.8 percent, due to immigration, higher birth rates, and lower death rates. But internal migration resulted in a net shift of 1.3 million people moving from urban to nonurban parts of the country.

Why this is happening now is unclear. But jobs are easier to come by outside the city. Unemployment in rural areas was atypically lower than urban unemployment during the economic slowdown of the early '90s. And technological changes are allowing more people to work at home and more businesses to move outside city centers.

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People don't appear to be moving to the true country, however. Nearly one-quarter of the nation's 2,304 rural counties, primarily those dependent on farming or mining, had declining populations. The bulk of "rural" population growth occurred in counties near metropolitan areas, beyond the established suburban sprawl, but which may be classified as metro in the near future.

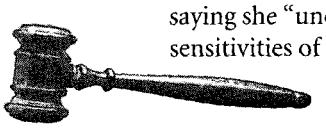
Treaties or Equal Treatment?

By Michael W. Lynch

U.S. District Judge Thelton Henderson has been embroiled in controversy since he issued a preliminary injunction against the enforcement of the California Civil Rights Initiative (Prop. 209). At his confirmation hearing, the Carter appointee had promised to recuse himself "for a reasonable time" from cases brought to his court by groups on whose boards he served. Those groups include the American Civil Liberties Union of Northern California, a group now challenging Prop. 209 in his court.

While the focus has been on Henderson's connections to the ACLU, individuals interested in the fine points of international law will want to note the arguments laid out in an amicus brief submitted by the Meiklejohn Civil Liberties Institute, another organization on whose board Henderson formerly served.

According to the Meiklejohn Institute, Prop. 209 is unconstitutional because it violates international law. The institute's legal argument, first developed in an op-ed by Neil A.F. Popovic, a lecturer at the U.C.-Berkeley law school, is that under the U.S. Constitution's Supremacy Clause, international treaties are the supreme law of the land and therefore trump state law. Popovic argues that the U.S.-ratified International Convention on Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights go beyond U.S. law, "defin[ing] racial discrimination to include discriminatory effects as well as discriminatory purposes." So America's various governments must make decisions based on race.



The Meiklejohn brief makes its case in part by citing such authorities as Prafullachandra Natwarial Bhagwati, a human rights expert from India, who once said, "Unequals have to be treated unequally in order to promote substantive equality." Elizabeth Evatt, an Australian, is cited in the brief as saying she "understood the sensitivities of federalism," but that it is important for the United State to recognize that "state laws and practices [must come] into compliance with the Covenant." Whatever their effects on former board member Henderson, however, such ramblings didn't make their way into his preliminary injunction.

For reports on the legal battle over Prop. 209, see the "Prop. 209 Watch" feature of Reason Online (www.reasonmag.com).

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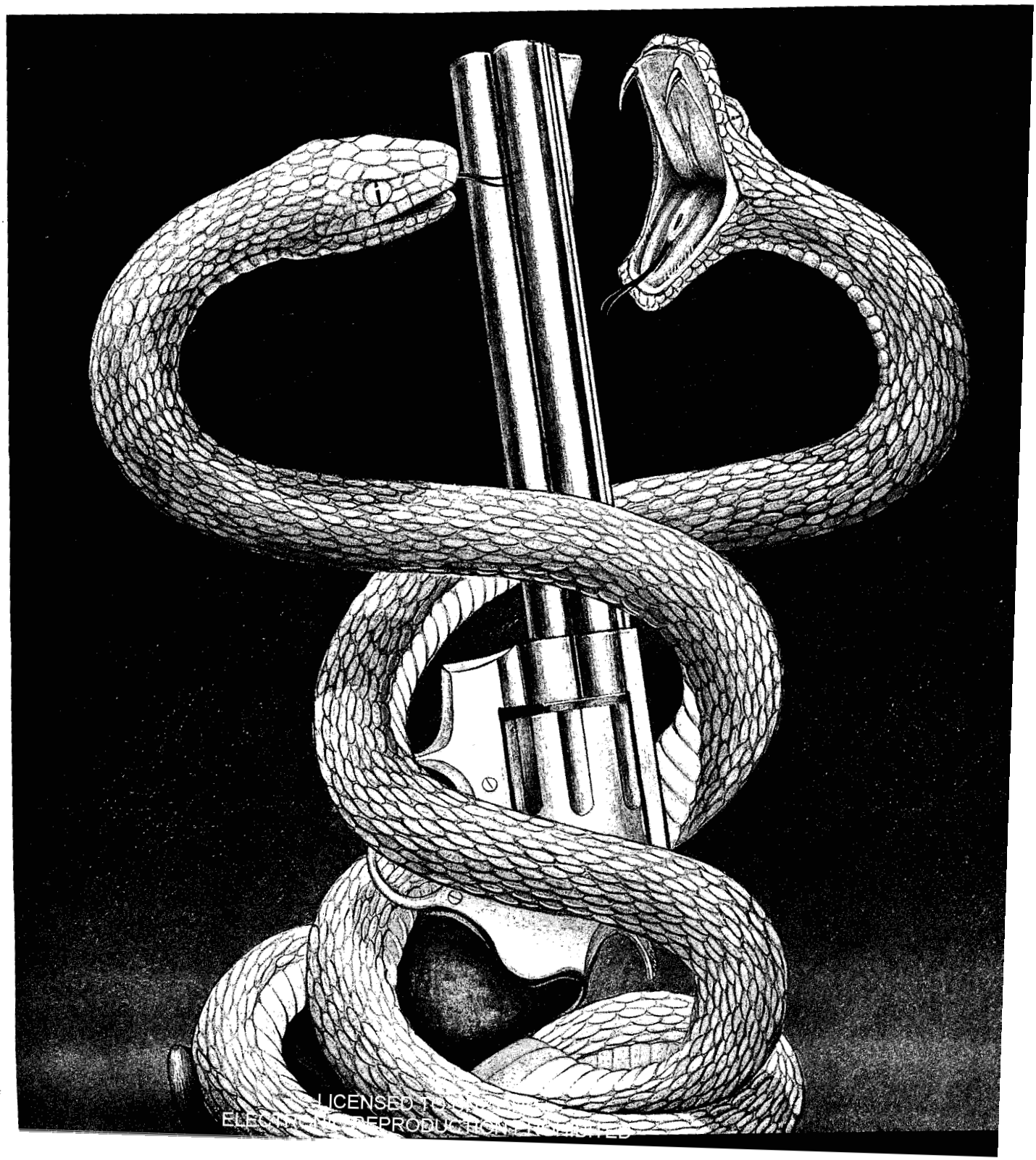

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OT SHOTS

How the CDC succumbed to the Gun "Epidemic"

BY DON B. KATES, HENRY E. SCHAFFER, & WILLIAM C. WATERS IV

Last year Congress tried to take away $2.6 million from the U.S. Centers for Disease Control and Prevention. In budgetary terms, it was a pittance: 0.1 percent of the CDC's $2.2 billion allocation. Symbolically, however, it was important: $2.6 million was the amount the CDC's National Center for Injury Prevention and Control had spent in 1995 on studies of firearm injuries. Congressional critics, who charged that the center's research program was driven by an anti-gun prejudice, had previously sought to eliminate the NCIPC completely. "This research is designed to, and is used to, promote a campaign to reduce lawful firearms ownership in America," wrote 10 senators, including then–Majority Leader Bob Dole and current Majority Leader Trent Lott. "Funding redundant research initiatives, particularly those which are driven by a social-policy agenda, simply does not make sense."

After the NCIPC survived the 1995 budget process, opponents narrowed their focus, seeking to pull the plug on the gun research specifically, or at least to punish the CDC for continuing to fund it. At a May 1996 hearing, Rep. Jay Dickey (R-Ark.), co-sponsor of the amendment cutting the CDC's budget, chastised NCIPC Director Mark Rosenberg for treating guns as a "public health menace," suggesting that he was "working toward changing society's attitudes so that it becomes socially unacceptable to own handguns." In June the House Appropriations Committee adopted Dickey's amendment, which included a prohibition on the use of CDC funds "to advocate or promote gun control," and in July the full House rejected an attempt to restore the money.

Although the CDC ultimately got the $2.6 million back as part of a budget deal with the White House, the persistent assault on the agency's gun research created quite a stir. *New England Journal of Medicine* Editor Jerome Kassirer, who has published several of the CDC-funded gun studies, called it "an attack that strikes at the very heart of scientific research." Writing in *The Washington Post*, CDC Director David Satcher said criticism of the firearm research did not bode well for the country's future: "If we question the honesty of scientists who give every evidence of long deliberation on the issues before them, what are our expectations of anyone else? What hope is there for us as a society?" Frederick P. Rivara, a pediatrician who has received CDC money to do gun research, told *The Chronicle of Higher Education* that critics of the program were trying "to block scientific discovery because they don't like the results. This is a frightening trend for academic researchers. It's the equivalent of book burning."

That view was echoed by columnists and editorial writers throughout the country. In a *New York Times* column entitled "More N.R.A. Mischief," Bob Herbert defended the CDC's "rigorous, unbiased, scientific studies," suggesting that critics could not refute the results of the research and therefore had decided "to pull the plug on the funding and stop the effort altogether." Editorials offering the same interpretation appeared in *The Washington Post* ("NRA: Afraid of Facts"), *USA Today* ("Gun Lobby Keeps Rolling"), the *Los Angeles Times* ("NRA Aims at the Messenger"), *The Atlanta Journal* ("GOP Tries to Shoot the Messenger"), the *Sacramento Bee* ("Shooting the Messenger"), and the *Pittsburgh Post-Gazette* ("The Gun Epidemic").

Contrary to this picture of dispassionate scientists under assault by the Neanderthal NRA and its know-nothing allies in Congress, serious scholars have been criticizing the CDC's "public health" approach to gun research for years. In a presentation at the American Society of Criminology's 1994 meeting, for example, University of Illinois sociologist David Bordua and epidemiologist David Cowan called the public health literature on guns "advocacy based on political beliefs rather than scientific fact." Bordua and Cowan noted that *The New England Journal of Medicine* and the *Journal of the American Medical Association*, the main outlets for CDC-funded studies of firearms, are consistent supporters of strict gun control. They found that "reports with findings not supporting the position of the journal are rarely cited," "little is cited from the criminological or sociological field," and the articles that are cited "are almost always by medical or public health researchers."

Further, Bordua and Cowan said, "assumptions are presented as fact: that there is a causal association between gun ownership and the risk of violence, that this association is

FRED SMITH

consistent across all demographic categories, and that additional legislation will reduce the prevalence of firearms and consequently reduce the incidence of violence." They concluded that "[i]ncestuous and selective literature citations may be acceptable for political tracts, but they introduce an artificial bias into scientific publications. Stating as fact associations which may be demonstrably false is not just unscientific, it is unprincipled." In a 1994 presentation to the Western Economics Association, State University of New York at Buffalo criminologist Lawrence Southwick compared public health firearm studies to popular articles produced by the gun lobby: "Generally the level of analysis done on each side is of a low quality....The papers published in the medical literature (which are uniformly anti-gun) are particularly poor science."

As Bordua, Cowan, and Southwick observed, a prejudice against gun ownership pervades the public health field. Deborah Prothrow-Stith, dean of the Harvard School of Public Health, nicely summarizes the typical attitude of her colleagues in a recent book. "My own view on gun control is simple," she writes. "I hate guns and cannot imagine why anybody would want to own one. If I had my way, guns for sport would be registered, and all other guns would be banned." Opposition to gun ownership is also the official position of the U.S. Public Health Service, the CDC's parent agency. Since 1979, its goal has been "to reduce the number of handguns in private ownership," starting with a 25 percent reduction by the turn of the century.

Since 1985 the CDC has funded scores of firearm studies, all reaching conclusions that favor stricter gun control. But CDC officials insist they are not pursuing an anti-gun agenda. In a 1996 interview with the *Times-Picayune*, CDC spokeswoman Mary Fenley adamantly denied that the agency is "trying to eliminate guns." In a 1991 letter to CDC critic Dr. David Stolinsky, the NCIPC's Mark Rosenberg said "our scientific understanding of the role that firearms play in violent events is rudimentary." He added in a subsequent letter, "There is a strong need for further scientific investigations of the relationships among firearms ownership, firearms regulations and the risk of firearm-related injury. This is an area that has not been given adequate scrutiny. Hopefully, by addressing these important and appropriate scientific issues we will eventually arrive at conclusions which support effective, preventive actions."

Yet four years *earlier*, in a 1987 CDC report, Rosenberg thought the area adequately scrutinized, and his understanding sufficient, to urge confiscation of all firearms from "the general population," claiming "8,600 homicides and 5,370 suicides could be avoided" each year. In 1993 *Rolling Stone* reported that Rosenberg "envisions a long term campaign, similar to [those concerning] tobacco use and auto safety, to convince Americans that guns are, first and foremost, a public health menace." In 1994 he told *The Washington Post*, "We need to revolutionize the way we look at guns, like what we did with cigarettes. Now it [*sic*] is dirty, deadly, and banned."

As Bordua and Cowan noted, one hallmark of the public health literature on guns is a tendency to ignore contrary scholarship. Among criminologists, Gary Kleck's encyclopedic *Point Blank: Guns and Violence in America* (1991) is universally recognized as the starting point for further research. Kleck, a professor of criminology at Florida State University, was initially a strong believer that gun ownership increased the incidence of homicide, but his research made him a skeptic. His book assembles strong evidence against the notion that reducing gun ownership is a good way to reduce violence. That may be why *Point Blank* is never cited in the CDC's own firearm publications or in articles reporting the results of CDC-funded gun studies.

Three Kleck studies, the first published in 1987, have found that guns are used in self-defense up to three times as often as they are used to commit crimes. These studies are so convincing that the doyen of American criminologists, Marvin Wolfgang, conceded in the Fall 1995 issue of *The Journal of Criminal Law and Criminology* that they pose a serious challenge to his own anti-gun views. "I am as strong a gun-control advocate as can be found among the criminologists in this country. ...What troubles me is the article by Gary Kleck and Mark Gertz. The reason I am troubled is that they have provided an almost clear-cut case of methodologically sound research in support of something I have theoretically opposed for years, namely, the use of a gun against a criminal perpetrator."

Yet Rosenberg and his CDC colleague James Mercy, writing in *Health Affairs* in 1993, present the question "How frequently are guns used to successfully ward off potentially violent attacks?" as not just open but completely unresearched. They cite neither Kleck nor the various works on which he drew.

When CDC sources do cite adverse studies, they often get them wrong. In 1987 the National Institute of Justice hired two sociologists, James D. Wright and Peter H. Rossi, to assess the scholarly literature and produce an agenda for gun control. Wright and Rossi found the literature so biased and shoddy that it provided no basis for concluding anything positive about gun laws. Like Kleck, they were forced to give up their own prior faith in gun control as they researched the issue.

But that's not the story told by Dr. Arthur Kellermann, director of Emory University's Center for Injury Control and the CDC's favorite gun researcher. In a 1988 *New England Journal of Medicine* article, Kellermann and his co-authors cite Wright and Rossi's book *Under the Gun* to support the notion that "restricting access to handguns could substantially reduce our annual rate of homicide." What they actually said was: "There is no persuasive evidence that supports this view." In a 1992 *New England Journal of Medicine* article, Kellermann cites an *American Journal of Psychiatry* study to back up the claim "that limiting access to firearms could prevent many suicides." But the study actually found just the opposite—i.e., that people who don't have guns find other ways to kill themselves.

At the same time that he misuses other people's work, Kellermann refuses to provide the full data for any of his studies so that scholars can evaluate his findings. His critics therefore can judge his results only from the partial data he chooses to publish. Consider a 1993 *New England Journal of Medicine* study that, according to press reports, "showed that keeping a gun in the

home nearly triples the likelihood that someone in the household will be slain there." This claim cannot be verified because Kellerman will not release the data. Relying on independent sources to fill gaps in the published data, SUNY-Buffalo's Lawrence Southwick has speculated that Kellermann's full data set would actually vindicate defensive gun ownership. Such issues cannot be resolved without Kellermann's cooperation, but the CDC has refused to require its researchers to part with their data as a condition for taxpayer funding.

Even without access to secret data, it's clear that many of Kellermann's inferences are not justified. In a 1995 *JAMA* study that was funded by the CDC, he and his colleagues examined 198 incidents in which burglars entered occupied homes in Atlanta. They found that "only three individuals (1.5%) employed a firearm in self-defense"—from which they concluded that guns are rarely used for self-defense. On closer examination, however, Kellermann et al.'s data do not support that conclusion. In 42 percent of the incidents, there was no confrontation between victim and offender because "the offender(s) either left silently or fled when detected." When the burglar left silently, the victim was not even aware of the crime, so he did not have the opportunity to use a gun in self-defense (or to call the police, for that matter). The intruders who "fled when detected" show how defensive gun ownership can protect all victims, armed and unarmed alike, since the possibility of confronting an armed resident encourages burglars to flee.

These 83 no-confrontation incidents should be dropped from Kellermann et al.'s original list of 198 burglaries. Similarly, about 50 percent of U.S. homes do not contain guns, and in 70 percent of the homes that do, the guns are kept unloaded. After eliminating the burglaries where armed self-defense was simply not feasible, Kellermann's 198 incidents shrink to 17, and his 1.5 percent figure for defensive use rises to 17 percent. More important, this study covers only burglaries reported to the police. Since police catch only about 10 percent of home burglars, the only *good* reason to report a burglary is that police documentation is required to file an insurance claim. But if no property was lost because the burglar fled when the householder brandished a gun, why report the incident? And, aside from the inconvenience, there are strong reasons *not* to report: The gun may not be registered, or the householder may not be certain that guns can legally be used to repel unarmed burglars. Thus, for all Kellermann knows, successful gun use far exceeds the three incidents reported to police in his Atlanta study.

Similar sins of omission invalidate the conclusion of a 1986 *New England Journal of Medicine* study that Kellermann coauthored with University of Washington pathologist Donald T. Reay, another gun researcher who has enjoyed the CDC's support. (This particular study was funded by the Robert Wood Johnson Foundation.) Examining gunshot deaths in King County, Washington, from 1978 to 1983, Kellermann and Reay found that, of 398 people killed in a home where a gun was kept, only two were intruders shot while trying to get in. "We noted 43 suicides, criminal homicides, or accidental gunshot deaths involving a gun kept in the home for every case of homicide for self-protection," they wrote, concluding that "the advisability of keeping firearms in the home for protection must be questioned."

But since Kellermann and Reay considered only cases resulting in death, which Gary Kleck's research indicates are a tiny percentage of defensive gun uses, this conclusion does not follow. As the researchers themselves conceded, "Mortality studies such as ours do not include cases in which burglars or intruders are wounded or frightened away by the use or display of a firearm. Cases in which would-be intruders may have purposely avoided a house known to be armed are also not identified." By leaving out such cases, Kellermann and Reay excluded almost all of the lives saved, injuries avoided, and property protected by keeping a gun in the home. Yet advocates of gun control continue to use this study as the basis for claims such as, "A gun in the home is 43 times as likely to kill a family member as to be used in self-defense."

Another popular factoid—"having a gun in the home increases the risk of suicide by almost five times"—is also based on a Kellermann study, this one funded by the CDC and published by *The New England Journal of Medicine* in 1992. Kellermann and his colleagues matched each of 438 suicides to a "control" of the same race, sex, approximate age, and neighborhood. After controlling for arrests, drug abuse, living alone, and use of psychotropic medication (all of which were more common among the suicides), they found that a household with one or more guns was 4.8 times as likely to be the site of a suicide.

Studies funded by the CDC focus on the presence or absence of guns, rather than the characteristics of the people who use them. Yet if there is one fact that has been incontestably established by homicide studies, it's that murderers are not ordinary gun owners but extreme aberrants.

Although press reports about gun research commonly treat correlation and causation as one and the same, this association does not prove that having a gun in the house raises the risk of suicide. We can imagine alternative explanations: Perhaps gun ownership in this sample was associated with personality traits that were, in turn, related to suicide, or perhaps people who had contemplated suicide bought a gun for that reason. To put the

association in perspective, it's worth noting that living alone and using illicit drugs were both better predictors of suicide than gun ownership was. That does not necessarily mean that living alone or using illegal drugs leads to suicide.

Furthermore, Kellermann and his colleagues selected their sample with an eye toward increasing the apparent role of gun ownership in suicide. They started by looking at all suicides that occurred during a 32-month period in King County, Washington, and Shelby County, Tennessee, but they excluded cases that occurred outside the home—nearly a third of the original sample. "Our study was restricted to suicides occurring in the victim's home," they explained with admirable frankness, "because a previous study has indicated that most suicides committed with guns occur there."

Kellermann also participated in CDC-funded research that simplistically compared homicide rates in Seattle and Vancouver, attributing the difference to Canada's stricter gun laws. This study, published in *The New England Journal of Medicine* in 1988, ignored important demographic differences between the two cities that help explain the much higher incidence of violence in Seattle. Furthermore, the researchers were aware of nationwide research that came to strikingly different conclusions about Canadian gun control, but they failed to inform their readers about that evidence.

Two years later in the same journal, the same research team compared suicide rates in Seattle and Vancouver. Unfazed by the fact that Seattle had a *lower* suicide rate, they emphasized that the rate was higher for one subgroup, adolescents and young men—a difference they attributed to lax American gun laws. Gary Mauser, a criminologist at Simon Fraser University, called the Seattle/Vancouver comparisons "a particularly egregious example" of "an abuse of scholarship, inventing, selecting, or misinterpreting data in order to validate *a priori* conclusions."

These and other studies funded by the CDC focus on the presence or absence of guns, rather than the characteristics of the people who use them. Indeed, the CDC's Rosenberg claims in the journal *Educational Horizons* that murderers are "ourselves—ordinary citizens, professionals, even health care workers": people who kill only because a gun happens to be available. Yet if there is one fact that has been incontestably established by homicide studies, it's that murderers are not ordinary gun owners but extreme aberrants whose life histories include drug abuse, serious accidents, felonies, and irrational violence. Unlike "ourselves," roughly 90 percent of adult murderers have significant criminal records, averaging an adult criminal career of six or more years with four major felonies.

Access to juvenile records would almost certainly show that the criminal careers of murderers stretch back into their adolescence. In *Murder in America* (1994), the criminologists Ronald W. Holmes and Stephen T. Holmes report that murderers generally "have histories of committing personal violence in childhood, against other children, siblings, and small animals." Murderers who don't have criminal records usually have histories of psychiatric treatment or domestic violence that did not lead to arrest.

Contrary to the impression fostered by Rosenberg and other opponents of gun ownership, the term "acquaintance homicide" does not mean killings that stem from ordinary family or neighborhood arguments. Typical acquaintance homicides include: an abusive man eventually killing a woman he has repeatedly assaulted; a drug user killing a dealer (or vice versa) in a robbery attempt; and gang members, drug dealers, and other criminals killing each other for reasons of economic rivalry or personal pique. According to a 1993 article in the *Journal of Trauma*, 80 percent of murders in Washington, D.C., are related to the drug trade, while "84% of [Philadelphia murder] victims in 1990 had antemortem drug use or criminal history." A 1994 article in *The New England Journal of Medicine* reported that 71 percent of Los Angeles children and adolescents injured in drive-by shootings "were documented members of violent street gangs." And University of North Carolina-Charlotte criminal justice scholars Richard Lumb and Paul C. Friday report that 71 percent of adult gunshot wound victims in Charlotte have criminal records.

As the English gun control analyst Colin Greenwood has noted, in any society there are always enough guns available, legally or illegally, to arm the violent. The true determinant of violence is the number of violent people, not the availability of a particular weapon. Guns contribute to murder in the trivial sense that they help violent people kill. But owning guns does not turn responsible, law-abiding people into killers. If the general availability of guns were as important a factor in violence as the CDC implies, the vast increase in firearm ownership during the past two decades should have led to a vast increase in homicide. The CDC suggested just that in a 1989 report to Congress, where it asserted that "[s]ince the early 1970s the year-to-year fluctuations in firearm availability has [*sic*] paralleled the numbers of homicides."

But this correlation was a fabrication: While the number of handguns rose 69 percent from 1974 to 1988, handgun murders actually dropped by 27 percent. Moreover, as U.S. handgun ownership more than doubled from the early 1970s through the 1990s, homicides held constant or declined for every major population group except young urban black men. The CDC can blame the homicide surge in this group on guns only by ignoring a crucial point: Gun ownership is far less common among urban blacks than among whites or rural blacks.

The CDC's reports and studies never give long-term trend data linking gun sales to murder rates, citing only carefully selected partial or short-term correlations. If murder went down in the first and second years, then back up in the third and fourth years, only the rise is mentioned. CDC publications focus on fluctuations and other unrepresentative phenomena to exaggerate the incidence of gun deaths and to conceal declines. Thus, in its *Advance Data from Vital and Health Statistics* (1994), the CDC melodramatically announces that gun deaths now "rival" driving fatalities, as if gun murders were increasing. But this trend simply reflects the fact that driving fatalities are declining more rapidly than murders.

While the CDC shows a selective interest in homicide trends,

it tends to ignore trends in accidental gun deaths—with good reason. In the 25 years from 1968 to 1992, American gun ownership increased almost 135 percent (from 97 million to 222 million), with handgun ownership rising more than 300 percent. These huge increases coincided with a two-thirds *decline* in accidental gun fatalities. The CDC and the researchers it funds do not like to talk about this dramatic development, since it flies in the face of the assumption that more guns mean more deaths. They are especially reluctant to acknowledge the drop in accidental gun deaths because of the two most plausible explanations for it: the replacement of rifles and shotguns with the much safer handgun as the main weapon kept loaded for self-defense, and the NRA's impressive efforts in gun safety training.

The question is, why hasn't it been studied? The answer illustrates how the CDC's political agenda undermines its professed concern for saving lives. In the absence of an anti-gun animus, a two-thirds decrease in accidental gun deaths would surely have been a magnet for studies, especially since it coincided with a big increase in handgun ownership. But the CDC wants to reduce gun deaths only by banning guns, not by promoting solutions that are consistent with more guns. So the absence of studies is an excuse to dismiss gun safety training rather than an incentive for research.

Taken by itself, any one of these flaws—omission of relevant evidence, misrepresentation of studies, questionable methodology, overreaching conclusions—could be addressed by a determination to do better in the future. But the consistent tendency to twist research in favor of an anti-gun agenda suggests that there is something inherently wrong with the CDC's approach in this area. Implicit in the decision to treat gun deaths as a "public health" problem is the notion that violence is a communicable disease that can be controlled by attacking the relevant pathogen.

Dr. Katherine Christoffel, head of the Handgun Epidemic Lowering Plan, a group that has received CDC support, stated this assumption plainly in a 1994 interview with *American Medical News*: "Guns are a virus that must be eradicated....They are causing an epidemic of death by gunshot, which should be treated like any epidemic—you get rid of the virus....Get rid of the guns, get rid of the bullets, and you get rid of the deaths."

In the same article, the CDC's Rosenberg said approvingly, "Kathy Christoffel is saying about firearms injuries what has been said for years about AIDS: that we can no longer be silent. That silence equals death and she's not willing to be silent anymore. She's asking for help." Similarly, in a 1993 *Atlanta Medicine* article on the public health approach to violence, Arthur Kellermann subtitled part of his discussion "The Bullet as Pathogen."

It is hardly surprising that research based on this paradigm would tend to indict gun ownership as a cause of death. The inadequacy of the disease metaphor, which some public health specialists seem to take quite literally, is readily apparent when we consider Koch's postulates, the criteria by which suspected pathogens are supposed to be judged: 1) The microorganism must be observed in all cases of the disease; 2) the microorganism must be isolated and grown in a pure culture medium; 3) microorganisms from the pure culture must reproduce the disease when inoculated in a test animal; and 4) the same kind of microorganism must be recovered from the experimentally diseased animal. A strict application of these criteria is clearly impossible in this case. But applying the postulates as an analogy, we can ask about the consistency of the relationship between guns and violence. Gun ownership usually does not result in violence, and violence frequently occurs in the absence of guns. Given these basic facts, depicting violence as a disease caused by the gun virus can only cloud our thinking.

It may also discredit the legitimate functions of public health. "The CDC has got to be careful that we don't get into social issues," Dr. C. J. Peters, head of the CDC's Special Pathogens Branch, told the *Pittsburgh Post-Gazette* last year, in the midst of the controversy over taxpayer-funded gun research. "If we're going to do that, we ought to start a center for social change. We should stay with medical issues."

If treating gun violence as a public health issue invites confusion and controversy, why is this approach so popular? The main function of the disease metaphor is to lend a patina of scientific credibility to the belief that guns cause violence—a belief that is hard to justify on empirical grounds. "We're trying to depoliticize the subject," Rosenberg told *USA Today* in 1995. "We're trying to transform it from politics to science." What they are actually trying to do is disguise politics as science.

As U.S. handgun ownership more than doubled from the early 1970s through the 1990s, homicides held constant or declined for every major population group except young urban black men. The CDC can blame the homicide surge in this group on guns only by ignoring a crucial point: Gun ownership is far less common among urban blacks than among whites or rural blacks.

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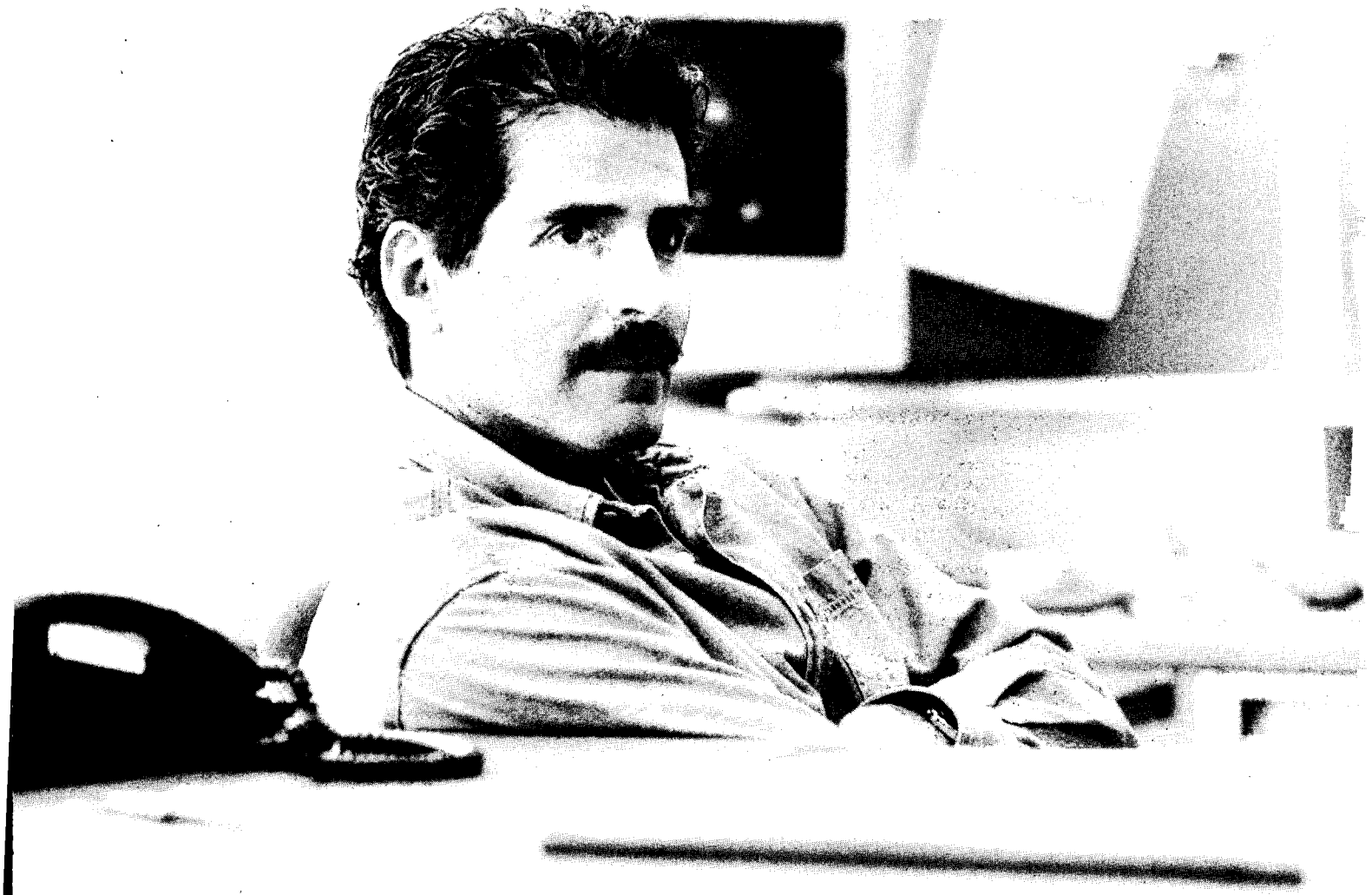
Risky Journalism

ABC's John Stossel bucks a fearful establishment.



While preparing a *20/20* segment on multiple chemical sensitivity that aired in January, John Stossel sent ABC associate producer Deborah Stone and her sister-in-law, Julie, to Dr. Grace Ziem, an MCS specialist in Baltimore. Prior to the visit, Ziem sent the two healthy women a 16-page questionnaire that included items such as "Do you crave sweets?" and "Do you ever forget what you read?" as well as queries about headaches, chest pains, and other symptoms. They answered the questions honestly and brought the completed forms to Ziem's office, where a physician's assistant gave them brief physical

Interviewed by Jacob Sullum

exams. After looking at their answers, Ziem told them they were chemically sensitive. She warned Julie not to get pregnant. She recommended that Deborah move out of New York City and enlist a "smelling buddy" to walk around with her, steering her away from dangerous odors. She charged each woman $925 and prescribed $3,300 in lab tests.

Later Ziem heard through the grapevine that the patients were ABC confederates and that Stossel, who had requested an interview, planned to discuss MCS in the context of "junk science." She also read a transcript of Stossel's 1994 special, "Are We Scaring Ourselves to Death?," in which he took a hard look at overhyped hazards such as dioxin, asbestos, and pesticide residues. Surmising that Stossel would not portray her in a positive light, Ziem not only backed out of the interview, she filed criminal charges against him, Deborah Stone, Julie Stone, and two other producers, accusing them of surreptitiously recording the conversation at her office. In Maryland, that's a felony. ABC said no such recording was made, and the charges were dropped about a month and a half later for lack of evidence. A disappointed Ziem promised further, unspecified legal action, and her bewilderment at the prospect of a journalist's skeptical treatment was almost touching. According to the Associated Press, "she had always considered the news media 'a friend' but now wonders who she can trust."

Many of Stossel's critics exhibit a similar sense of betrayal. As a consumer reporter at WCBS-TV in New York and, beginning in 1981, at ABC's *Good Morning America* and *20/20*, he acquired a reputation as an enemy of greedy capitalists, a champion of government regulation, and a protector of the public from the insidious hazards lurking in everyday life. Gradually, however, he came to see that businesses are not always evil, regulation can be harmful, and the risks that get the most publicity are usually trivial, if not non-existent.

As this new perspective began to shape Stossel's TV reports, his erstwhile allies in the consumer movement were not pleased. Ralph Nader, who came across as a paternalistic worrywart (imagine that!) in "Are We Scaring Ourselves to Death?," told *TV Guide* that Stossel "used to be on the cutting edge—now he's gotten lazy and dishonest." Sidney Wolfe, executive director of the Public Citizen Health Research Group, told *The Washington Post*, "I think he's really a menace. This guy is doing a massive amount of damage."

Nader and Wolfe probably were not thinking about Stossel's special on "The Mystery of Happiness" or his stories about relationships and child rearing. A psychology major at Princeton, Stossel has long shown an interest in topics that have little to do with public policy. No doubt Nader and Wolfe would prefer that he stick with those, instead of mucking about with their cherished assumptions. This Stossel does both on *20/20* and in his one-hour, prime-time specials, which air four times a year—a privilege he won from ABC when Fox tried to lure him away in 1993. His first special, "Are We Scaring Ourselves to Death?," featured themes that are rarely explored on TV, including the hidden costs of regulation and the exaggeration (or invention) of risks by interest groups and the news media. Subsequent specials examined the flight from responsibility toward victimhood, the durability of sex differences, the chilling effects of litigation, and the perversion of science by lawyers, activists, and politicians. Watching Stossel confront an EPA bureaucrat or a plaintiff's lawyer in his deceptively low-key manner, you get a surreal feeling: The techniques are familiar to anyone who has seen *60 Minutes*, but the targets are not.

Contrary to the impression you might get from the Naderites, Stossel's villains are not limited to public officials and pro-government activists. In his recent special on dubious science, for instance, he scored tobacco companies and promoters of vitamin C along with the EPA and the federal government's anti-salt crusaders. Last year he testified in a defamation case involving a 1991 *20/20* story that accused Ft. Lauderdale banker Alan Levan of cheating real estate investors. "The primary motive was to inform people about deals where they could lose millions," he told the court. Although another jury had awarded the investors $8 million in damages, concluding that Levan had defrauded them, the jurors in the libel case never heard about that verdict, which was vacated as part of a settlement. In December they ordered ABC and the segment's producer to pay Levan and his bank $10 million. ABC is appealing.

Stossel, who turned 50 in March, has won 19 Emmys, the George Polk Award, and the George Foster Peabody Award. The National Press Club has recognized him five times for excellence in consumer reporting. He is still proud of stories he did a decade ago, but concedes that he sometimes was guilty of the alarmism he now decries—a point confirmed by the titles of some of his *20/20* segments from the '80s, which included "Danger in the Grass" (about pesticides) and "Brewing Disaster" (about exploding coffee pots). On the other hand, exposing scams has been a persistent theme in Stossel's career as a consumer reporter, and he continues to go after hucksters, swindlers, and charlatans, even when they happen to work for the government or serve a fashionable cause.

REASON Senior Editor Jacob Sullum interviewed Stossel in his office at the ABC News building in Manhattan.

Reason: Let's talk about your political views while you were in college and how they changed over time.

John Stossel: I bought into what was trendy—trendy is harsh—what was prevailing wisdom at the time, which was that capitalism is useful but evil. But I wasn't particularly political.

Reason: Did you work on the school paper?

Stossel: I was the business manager. I once tried to write an article about something in the editorial column, but the editorial staff snickered at me. And, in fact, writing has never been my strength.

Reason: In retrospect, would you say you were a left-liberal? Is that how you started out in journalism?

Stossel: I always had an interest in economics, so I was less knee-jerk anti-capitalist than my colleagues. But I certainly had a basic [feeling] that markets are cruel and that we need aggressive consumer regulation by lawyers and government to protect the consumer from being victimized.

Reason: How did your views begin to change? Through experience or reading?

Stossel: A combination. I saw that regulation rarely worked

PHOTOS: BUZZ FREITAG

on even the most obvious of crooks, that the people selling breast enlargers and penis enlargers—all those people would get away with it. They would hold off attorneys general for a couple of years, and then when the law enforcement machine finally came after them they would hire their own slick defense lawyers, who would hold the regulators off for another few years. And then they would just change the name of the product or sign a consent order (which is like saying, "I don't admit doing anything wrong, but I won't do it anymore"). Then they would do it again in a different state or under a different name. The rules didn't hurt the obvious bad guys, but the good companies would have to spend vast sums hiring squads of bureaucrats to obey the OSHA rules or equal opportunity rules, the FDA, EPA, CPSC—and [paying for] the PACs. All the energy that used to be poured into making the product better and getting it to the customer sooner is now put into massaging the leviathan.

Reason: When did you start reading economics and political philosophy?

Stossel: It's embarrassing as a Princeton graduate how little serious economics reading I had done. As this was happening, when I was in New York City—I started in Portland, Oregon—I felt very alone. I would read *The New York Times, Time, Newsweek,* and nobody was saying any of these things. But then I found REASON, and read *In Pursuit,* by Charles Murray. I realized there were other people who were talking about these things, and there was an intellectual basis for what I was feeling.

Reason: You've said that you look back at some of your early work with regret. Give me some examples.

Stossel: I did a lot of alarmist reporting. I did an Alar story on *Good Morning America.* I did a story on exploding coffee pots that was probably alarmist. I did a story, because of a very passionate producer who dragged me in despite my reluctance, on a subject that is dear to your heart, passive smoke. I took a quote from [anti-smoking activist] Stanton Glantz, which if I looked at now would make me cringe a bit.

Reason: With your Alar story, was it full-blown hysteria, or did you say there were questions about the evidence?

Stossel: I felt I was reporting on breaking news. The EPA had just made an announcement. I think I was less hysterical than others, but I basically said the EPA said this chemical, daminozide, which is used to keep the apples fresh longer, has been shown to cause cancer in rats—and just saying that will terrify some people. I wish I had the knowledge at the time to say the new testing mechanisms are finding possible carcinogens in most anything these days, and I certainly intend to keep eating apples. But at the time I just reported the breaking news.

"In the course of doing 'Are We Scaring Ourselves to Death?' two freelance producers quit, saying this was not journalism. It was OK to say that regulatory money was being misspent, but to simply say that regulation itself might be damaging to health and the economy was something no respectable journalist should be allowed to do."

Reason: Have you done anything on breast implants?

Stossel: I did a lot of stories on breast implants—at WCBS, when I worked there, just on the cosmetic procedure, interviewing women while they were having it done. Taking the feminist point of view that it's a tragedy that people aren't comfortable with their own bodies, that women would do this even when the men in their lives didn't want them to do this, go through all this risk and pain just to look better. And yet they said they were happier because of it. A lot of them turned out to be doing it because their mothers used to make fun of them for being flat-chested.

But I'm not answering your question, because I guess you're asking about safety issues. I have a special on bad science, which is scheduled to be broadcast soon [it aired on January 9], which talks about breast implants in the light of what is known today. I did not do the alarmist number on breast implants.

Reason: In coming to see that health hazards were often exaggerated, what writers were influential?

Stossel: Aaron Wildavsky [the late political scientist and risk specialist]. Bernard Cohen, a physicist who was writing an obscure physics journal, came to my attention. Unfortunately, that was about it at the time. There may be others.

Reason: How have the ratings been for your specials?

Stossel: Most of them were top-20 programs, which even surprised ABC.

Reason: What about the reviews?

Stossel: I can give you some summaries. There have been some very good, some very nasty. One said I was sucking up to the Republicans, so I could eat giraffe tartar at Newt's house. That was Tom Shales in *The Washington Post.*

Reason: What reactions to the specials have you found

most gratifying?

Stossel: The first [special] was the most difficult and interesting. It's a good example of the market working, in that I had been talking to ABC about a risk program for several years. They had basically stared at me blankly, said they would get to it, but never did. Rupert Murdoch offered me a job, and to keep me ABC gave me four specials a year. I insisted the first one be "Are We Scaring Ourselves to Death?" Some executives argued that I shouldn't make that my first one because no one would watch, [that I should] do something on diet, body image, or raising children, which we know the audience likes. But I insisted on doing "Are We Scaring Ourselves to Death?"

In the course of doing the hour, two freelance producers quit, saying this was not journalism. It was OK to say that regulatory money was being misspent, that less should be spent on Superfund, perhaps, but more must be spent on self-extinguishing cigarettes or fire-proof furniture. To simply say that regulation itself might be damaging to health and the economy was something no respectable journalist should be allowed to do. There was a meeting at ABC. I laid out what I wanted to do, and they laid out what they thought should be done. ABC's news management, to their credit, said, "Well, I don't agree with you about all of this, but it's a valid intellectual argument, and you deserve to have this on." So those two producers quit, and the program, to a lot of people's surprise, was, I think, the number 15 program for that week. We got a thousand or more letters, 99 percent positive—people saying, "Thank God, somebody's finally saying these things."

Reason: Is that a lot of letters for this kind of show?

Stossel: That's a lot of letters. And I think it got the record number of requests for videotapes ABC has received for a news program, with the exception of one news special on Pearl Harbor.

Reason: What reactions to that special or other specials have you found upsetting, disappointing, or irritating?

Stossel: Sometimes it's disappointing how little impact a program seems to have. I fought so hard to get my risk analysis chart on "Are We Scaring Ourselves to Death?," which I believe helps the public understand relative risk. It's one thing to say smoking is much more likely to hurt you than flying in an airplane, or pesticide residues, or living in Love Canal. It's another thing to see the huge disparity and to see the damage that poverty causes. I hoped that these bar graphs would be picked up by other media and used as a foundation for debating risk intelligently. And of course, none of that has happened.

The other funny thing is that, in the midst of "Are We Scaring Ourselves to Death?," there was an alarmist ad for an upcoming news program, on pharmacists mixing things up badly and injuring their customers. All these are stories that deserve to be done, but the issue is how breathlessly we do them.

Reason: Do you think people would be more receptive to you if you seemed to be basically like them—a liberal, but with idiosyncratic views on certain topics?

Stossel: It's an interesting question. Gregg Easterbrook was vilified for the book he wrote [*A Moment on the Earth*], which was quite middle-of-the-road, I thought. There is a sense that he stepped off the curb, he betrayed his community. I think there is the same sense about me. I was a consumer reporter for 20 years, and to now criticize the consumer movement on regulation—I have betrayed my religion.

Reason: When someone like Sidney Wolfe calls you "a menace" and says you're "doing a massive amount of damage," how do you feel? Annoyed? Amused? Proud?

Stossel: I'm developing thicker skin. When I first read these things, it was awful. I crashed; I wanted everyone to love me. And when I was a consumer reporter, everyone did. I wasn't used to criticism. That [1994 *Washington Post* story quoting Wolfe] was one of the first major articles. I think it's a great example of how the press works. After I did "Are We Scaring Ourselves to Death?," I was promoting it on some talk radio program, and someone called and said, "Watch out for Howard Kurtz. He's the enforcer for the liberal interest groups." And months after the broadcast, the same day I received a phone call from a liberal interest group wanting to write a newsletter [article] about my heresy, the call came from Howard Kurtz of *The Washington Post*. I think Kurtz is a pretty fair writer, in that he makes an effort to talk to a lot of people and get the story right. But in the story with the quotes from Ralph Nader and Sidney Wolfe and others—[even though] this program had 20 million viewers, most of whom thought it was a good thing—he could only find critics to quote.

Reason: What does it signify to you when Ralph Nader says you are "the most dishonest journalist I've ever encountered," that you "used to be on the cutting edge," but now you've "gotten lazy and dishonest"?

Stossel: It's hard to speculate on what other people are thinking. I assume Ralph was upset that I, a consumer reporter, would criticize him. In the course of the interview [for "Are We Scaring Ourselves to Death?"], I asked him about many of the things he says we should worry about. And he gave endless, detailed answers about hot dogs, coffee, flying, and carpets, which we in TV cut down to their essence. I guess he felt that was unfair. I suspect, in terms of him calling me names, it's the tendency of these groups to demonize people who criticize them.

Reason: What about Nader's argument that it's hard attacking corporations, and now you're taking the easy way out by parroting the free market line?

Stossel: In the culture where I work—in network TV, living on the Upper West Side of Manhattan—it was much easier to go after the corporate bad guys. Then all my colleagues were on my side. To talk about abstractions such as how freedom and voluntary transactions can benefit people in ways that central planning can't even approach—that is much more difficult to do on TV. So I think he is totally wrong about that.

Reason: How do you respond to the criticism that giving speeches to business or free market groups creates a conflict of interest?

Stossel: I think it's good it's being brought up. It's interesting that when I was speaking to consumer groups no one ever complained. It is true that I now speak for absurdly high honoraria. That raises eyebrows. All the money goes directly to charity. I did this before ABC's ban [on honoraria from businesses and trade associations] went into effect, but consumer activists still write articles implying that I am keeping the money, not men-

tioning that it at all goes to charity. I think what happens is that once you start saying on TV that markets work, that business is not evil, then more businesses want to invite you to speak, because people like to be told they are good guys.

Reason: How have your colleagues at ABC reacted to your political views? Would it be easier if you were, say, a Marxist or an animal rights activist?

Stossel: It hasn't been hostile here. People just give me blank stares. There has been very little criticism to my face.

Reason: ABC News officially urges its employees to avoid taking "a public position on any significant issue of controversy," but that rule does not seem to be enforced. Hugh Downs condemns the war on drugs, for example. What does the policy actually require?

Stossel: It's a mushy line that forbids us to participate in a political campaign, to be outspoken on topics that are hot current political debates.

Reason: Even if you're not covering them as a reporter?

Stossel: It depends on the debate. To speak forcefully about who should win the election, to take a clear, vocal position on abortion during an abortion debate, to take a position while something is being voted on in Congress—that is forbidden. To discuss things in the context of programming we're doing is OK. And when I take a point of view on air, it's not kept secret from the audience. I declare it at the beginning of the program usually: "Here's what my point of view is. I'm laying this out for you to make your own judgment about it." I always put the other side on, and I always ask tough questions of the people who might agree with my point of view.

Reason: What is the rationale behind ABC's policy against taking sides on controversial issues?

Stossel: All we have in news is our reputation. People have a hundred choices for news now, and if we are perceived as closed-minded, people will not watch us or trust us. To me, that's a precious commodity, and to ABC News, too.

Reason: I already don't watch the network news because I perceive them as closed-minded. Is it just that you don't perceive biases when they are the same as yours? Is this notion of unbiased coverage a fiction?

Stossel: I think that's best commented on by people not working for a network. It is true that the hometown paper for most everyone in my business is *The New York Times.* People have grown up with *The New York Times,* and people here believe that it's a middle-of-the-road newspaper. Dan Rather says even the editorial page is middle-of-the-road. So talking about a liberal slant to my business is a little like talking to a fish about water. The fish says, "Water? What's water?" It's just what we swim in.

Reason: I notice that you use a lot of rhetorical questions in your TV reports and articles. Is that just a matter of style, or is it a way to avoid stating your opinions directly?

Stossel: I would have preferred to have called "Are We Scaring Ourselves to Death?" just "Scaring Ourselves to Death." I don't know if it began as my style or a way of being slightly less opinionated in presenting these issues, but clearly Dick Wald [senior vice president in charge of ABC's Standards and Practices] prefers it as a question mark.

Reason: Have you been told by producers or other people at the network to tone down your scripts or your articles?

Stossel: When I started at ABC, often the lawyer who vets each piece would say, "You can't say that as a statement, but you can ask it as a question."

Reason: Was the lawyer vetting your material for libel or for compliance with ABC's policy on strong opinions?

Stossel: That's a mushy line. Supposedly for libel—that's what their job starts as—but no one knows what a lawyer will define as libel, so their mandate is broad.

Reason: So a lawyer would say, "You really have to qualify this," or, "Make it into a question"?

Stossel: He would say, "You can't say that." You say, "What if I say it this way, that way, how 'bout if I make it a question?" "OK, you can do that."

Reason: Does that happen much anymore?

Stossel: Now, I just make it a question.

Reason: You've been criticized for crossing the line into advocacy. In your view, have you blazed a new trail in TV jour-

"I assume Ralph Nader was upset that I, a consumer reporter, would criticize him. I asked him about many of the things he says we should worry about. And he gave endless, detailed answers about hot dogs, coffee, flying, and carpets, which we in TV cut down to their essence. I guess he felt that was unfair."

nalism, or is it just a matter of using the same techniques from a different perspective?

Stossel: I think two things are happening. One is that I have always avoided professional news-speak. Maybe I have been successful in television because I was never a very good literature student. I didn't go to journalism school. I learned out of fear of failure. I had to figure out how to write for television. And I learned to write conversationally. Then, as a consumer reporter, I would clearly come down on one side of an issue: This product is better than that product. This company is ripping people off—it's a bad thing. As I ventured into more political areas, I continued that style of speaking plainly, saying, "I'm a human being who's investigated this. Here's what I think." And people who disagree with what I think now say I shouldn't be doing it.

Reason: What about the idea that reporters should be objective? Is that a reasonable goal? Would the public be better served if reporters dropped the pretense, if they said, "Here are my biases, and here is my story," rather than pretending to be objective?

Stossel: I wouldn't go as far as you do there, because we're all trying to be objective, but we all have points of view, and we'd probably do better acknowledging that. People who think that every time someone dies there must be a new government agency to prevent the next death ought to acknowledge that they have a bias in that direction. But they are not aware that they have that bias—they just think they are being compassionate.

There are all shades of gray here. My most opinionated work falls between an op-ed piece and a news article. When I get too opinionated, they make me superimpose the word *commentary* over what I am saying.

Reason: When does that happen?

Stossel: On *20/20*, it's assumed that the chats with Hugh [Downs] and Barbara [Walters] are commentary. But on "Are We Scaring Ourselves to Death?," for example, when I made the argument that regulation, by increasing poverty, was killing people, they made me superimpose the word *commentary.*

Reason: Can you give some examples of stories people have pitched to you that you refused to do?

Stossel: Sure. Dozens. They are always trying to get me to do stories on airline safety—the most dangerous airport; where you should sit on the plane so you can get out more quickly if it fills with smoke; how you are supposed to count the seats to the exit row so if it's filled with smoke you can get out—and I refuse, because I just think the more we make people frightened about flying, the more people will drive, and that's more dangerous, so we're killing people by scaring them. I think it's irresponsible.

One clear turning point was the Bic lighter story. Our producer rushed in breathlessly [talking] about how four people over four years have been killed by Bic lighters catching fire in people's pockets. By then, I had my death list that we compiled [based on] data from scientific and government agencies as to what kills people. I said, "I'll do Bic lighters if we first do plastic bags, which kill 11 people a year; or garage door openers, which kill six; or buckets, which kill 50 people a year." He then staggered out of my office, calling me insensitive. And they got another correspondent to do the story.

Reason: Can you give some examples of stories you wanted to do that were shot down?

Stossel: I have wanted to do privatization of Social Security, which I still hope to have success at. I have wanted to do decriminalization of prostitution, which I appear to be having success with. [The report aired January 31.]

Reason: These would be stories on *20/20*?

Stossel: Yes. I must say that the stories I most want to do are stories that show how freedom works and how privatization works. Frankly, these are not very exciting television. I'm most proud of stories that I did years ago on the benefits of deregulation or on the entitlements crisis, which I did 10 years ago. They were very hard stories to get on the air. The same thing [is true] in the case of the story of how FDA regulation may be killing people as well as saving people. It took 10 years of pushing to get that on the air—not so much because there is overt political opposition but because television is a collaborative business, and to get anything done you need to have at least one producer who is enthusiastic and an executive producer who is at least tolerant. It's a little bit like pushing string. There was no blatant resistance, but there wasn't enthusiasm. I finally got the FDA story on the air after we came across the story about a breast self-examination device that wasn't being approved. "Breasts" helped me get the story on the air.

I want to do more stories on free markets. And I hope to do them, but I am aware I have to intersperse them with stories about raising children, and peeping toms, and diseases of the week.

Reason: Do you find people are resistant because they perceive you as pushing an agenda, or is it just that they think it won't play well on TV?

Stossel: Producers think the audience isn't interested, but they'd go along if they thought it would play well on TV. In the case of Social Security, they don't understand. It would be a difficult story to produce. It's much easier in TV to cover the fire, or the presidential election, or O.J. You know you'll get ratings and interest. It's much harder to cover abstract issues.

Reason: What tricks do you use to get complex or subtle ideas, such as the unseen costs of litigation or regulation, across on TV? Do you find the medium's limitations frustrating?

Stossel: Yes, it is frustrating. The temptation is to do a survey, because you do the research on the issue and you find, in the case of lawsuit abuse, a thousand examples. And you want to tell them all. The best TV stories, and I found this from watching *60 Minutes*, may have only three characters in them. My bad tendency is to have 10 characters in the story, and I'm distressed to still have to cut it down. The editing process helps, because we will shoot 10 hours of tape, and the producer will cut it down to an hour of the best material. Then I will cut it down further, and we will cut it down again and again and again. And each time you look at it, you see new ways to make it clearer as you make it shorter.

Reason: Are there scholars or public policy experts whose work you admire but whom you wouldn't want to put on camera because they don't play well on TV?

Stossel: "Play well" is a tough phrase. There are plenty who would play OK, but I would be reluctant to use them because

they are not bombastic enough to make abstract issues come alive on TV. In the case of "The Trouble with Lawyers," we searched through many critics of the system who were wise and articulate, but none were as clear as John Langbein, a [Yale] law professor, simply because he spoke explosively. People like Virginia Postrel, Ed Crane, Jim Bovard, Richard Epstein all speak well. I would use them, but they aren't John Langbein. They are too intellectual. Peter Huber is another brilliant individual and speaker. But not dramatic, not explosive.

Reason: Aside from what you've mentioned, are there other topics you'd like to cover?

Stossel: There is always an endless list. I would like to do a story on how licensing hurts entrepreneurs starting off. I would like to do some lawsuits the Institute for Justice is pushing. I might want to do one of your smoking topics.

Reason: Have you done any stories about the war on drugs?

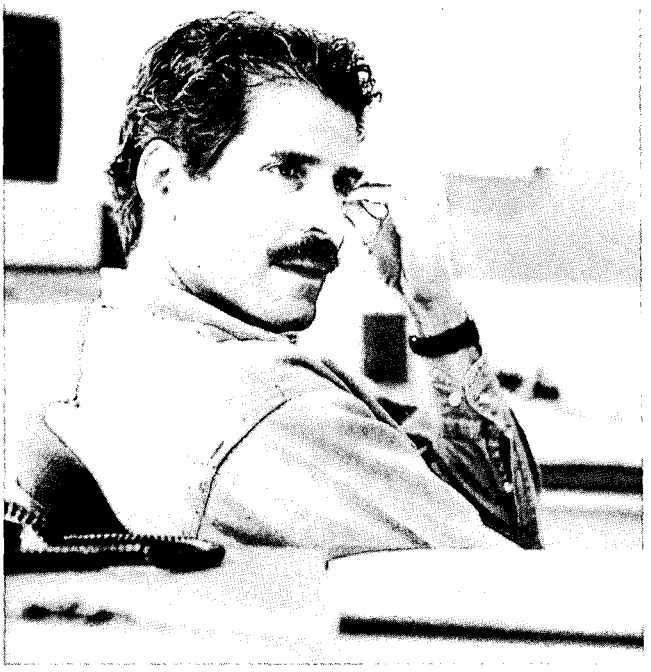
Stossel: I did one [five years ago]. It was about the pro-legalization argument, for *20/20*. We focused on [Baltimore Mayor] Kurt Schmoke.

Reason: Have you seen any sign that the big media mergers have had an impact on news coverage?

Stossel: Not yet. The big fear within the journalistic pack is that the evil conglomerates, which were eating us, would censor the news. There was a lot of vigilance and wailing when GE bought NBC. I think there is so much vigilance, and we reporters are so naturally prickly about businesses censoring us, that there is very little danger that Disney will have me doing puff pieces on Mickey Mouse or GE would have NBC squelching pieces on GE engines. I don't think that'll happen. And Disney, to its credit, so far has made it clear that ABC News has been doing quite well on its own.

In terms of squelching stories, I think the underreported story is the self-censorship that takes place because of lawsuits, because of the rich bullies who are willing to use lawyers to get special treatment. A libel suit is so viciously expensive even if you win. That's what scares reporters.

Reason: What kinds of stories do the networks cover well?



"Most of the important things that happen are, I think, the slow developments: the development of the computer chip, the way Hewlett-Packard was run, the invention of the birth-control pill, the sexual revolution, changing attitudes. Those things don't happen today; they happen this month, this year. We do a bad job covering that."

Stossel: Breaking stories. The fire that happened today, the crisis elsewhere in the world. I love getting up and watching *Good Morning America* to see what's happened in my world last night, yesterday, and to know my world is still safe. I think that's what we do the best.

Reason: What do the networks do worst?

Stossel: We do the worst on the slower stories. Most of the important things that happen—Virginia Postrel has written brilliantly about this in her editorials—are, I think, the slow developments: the development of the computer chip, the way Hewlett-Packard was run, the invention of the birth-control pill, the sexual revolution, changing attitudes. Those things don't happen today; they happen this month, this year. We do a bad job covering that.

Reason: How would you describe your politics now?

Stossel: I believe, just as Jefferson did, that less government is good government, and as George Washington did, that government is not reason or persuasion, government is force. I think the issue of the day is how big should government be. Ours has grown over 100 years from 1 or 2 percent of the GDP to about 36 percent of the GDP. I think the debate should be about what percentage is [optimal]. I think it's somewhere around 18 percent, and that's my main political issue. I don't think that makes me a Republican or Democrat, liberal or conservative.

Reason: Are people confused by the mix of your interests? On the one hand, you are doing something they perceive as conservative, saying that environmental regulation can be harmful. On the other hand, you're doing this story on the decriminalization of prostitution, which is seen as a liberal issue.

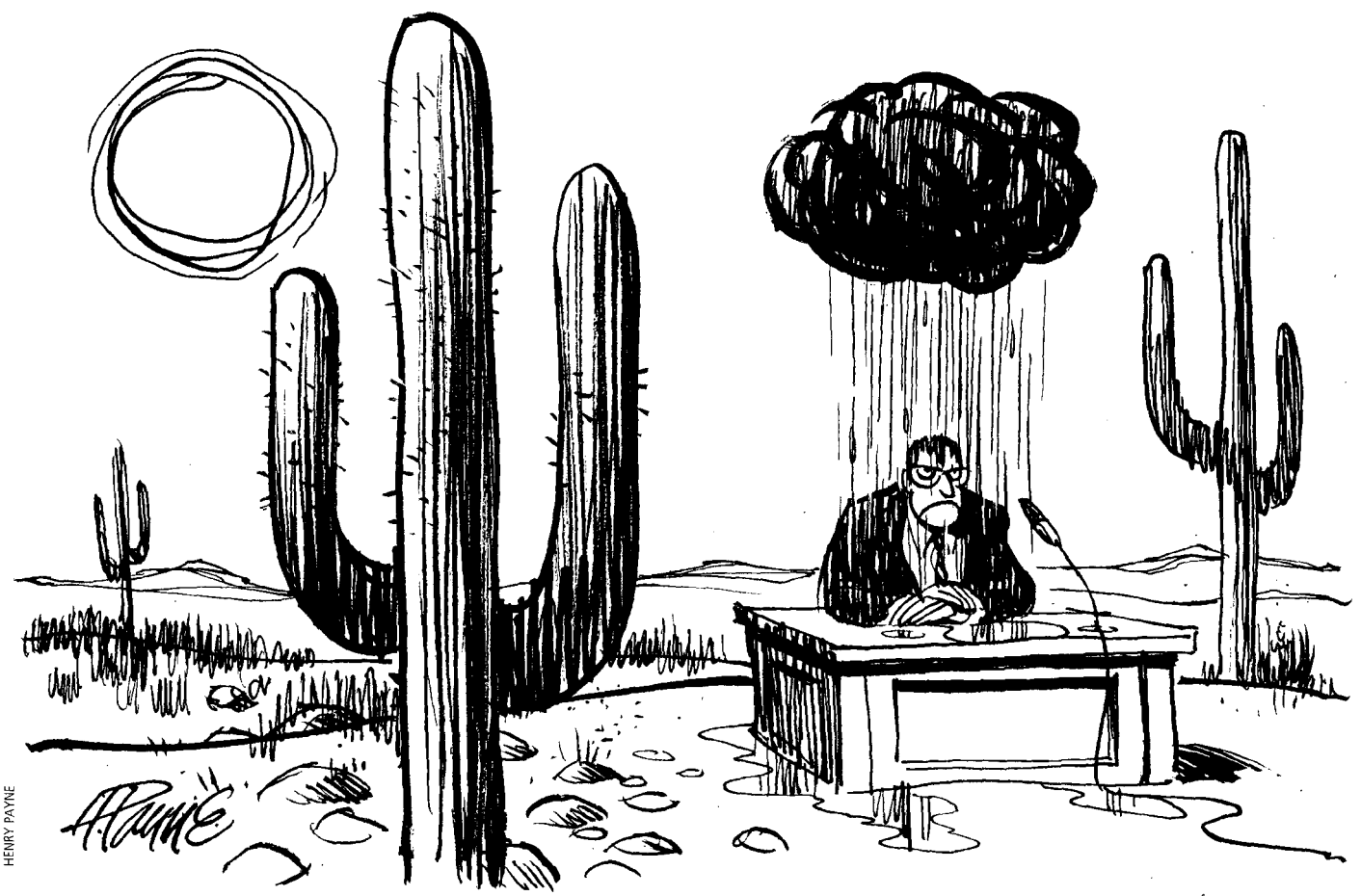
Stossel: I hope it's good I do those things. I receive letters from all sorts of different people on different stories—those who are provoked and those who are grateful. I certainly enrage conservative viewers, who write dismayed that I, who they thought was the one voice of reason on ABC News, would do a story on, for example, kids cursing, and conclude by saying we have bigger problems to worry about.

Slouching Toward Phoenix

Conservatives gather at a swank, sunny resort to remind themselves how terrible the world is. The occasion is Dark Ages II, and it deserves the name.

By Rich Karlgaard

Talk about odd fusions. You'll find none more implausible than the Arizona Biltmore in Phoenix, a resort hotel designed by Frank Lloyd Wright in the 1930s. Somehow, the famous architect and his acolytes got it into their heads to combine outsized art deco with a brush of native Southwest. They pulled it off, too. The Biltmore was an immediate



HENRY PAYNE

success. Hollywood stars like Clark Gable swarmed to it during the winter months. After 60 years, the Biltmore still works and delights the senses.

Over New Year's weekend I flew to Phoenix to see if another odd fusion might work: the fusion of libertarians with social conservatives into a coherent coalition. The setting was the Dark Ages II conference at the Biltmore. You may have heard of Dark Ages. It was hatched last year at a Miami resort. The name itself is a witty rejoinder: The founders wanted something fun and clever to upstage that mewling sob-fest called the Renaissance Weekend, held to polite applause every New Year's weekend in Hilton Head, South Carolina, starring the Clintons and a thousand other Third Way bubbleheads. Dark Ages, by contrast, promised cigars, strong drink, Robert Bork, and lots of warm Phoenix weather. Who could resist?

Laura Ingraham is a spectacle. On MSNBC, she stars as the right-wing chick, a blonder and hipper version of the species' alpha gal, Mary Matalin. (Somewhere, liberal television producers are sniggering in their Chardonnay about this strange creature they've created, the right-wing chick.)

Saturday, December 28. Opening night. The reception crowd in the Biltmore's Gold Room seems thin, well short of the 350 people the Dark Ages organizers had touted. But why quarrel? It's early, and enough starboard ballast is on hand already. I spot *The Weekly Standard*'s Bill Kristol, and, yes, he's talking to that old '60s pink, now reformed, David Horowitz. Dark Ages cofounder Laura Ingraham takes the microphone to welcome us. Ingraham is a spectacle. On MSNBC, she stars as the right-wing chick, a blonder and hipper version of the species' alpha gal, Mary Matalin. (Somewhere, liberal television producers are sniggering in their Chardonnay about this strange creature they've created, the right-wing chick.) Ingraham is striking, loud, commanding—and funny. Welcoming the attendees, she deadpans a few howlers on Ebonics, AK-47s, and Bill Clinton's penis. The crowd enjoys it, and Dark Ages II is off to a good rowdy start.

Next morning, Sunday, begins with a plenary session called "Should Government Care About Culture?," moderated by Arianna Huffington. Huffington is in fine heft. She looks less exotic than before, less chic, a little doughier, more like a headmistress. Her once red plume of hair has been bobbed short for TV.

First on the panel is Grover Norquist, who gives his usual speech about defunding the left. I've always liked Grover's straightforward pitch. Cut a government program, any program, and, QED, you will slap the left harder than the right. Burly and bearded with 1980s-style owl glasses, Grover is possessed with a nerd's intensity and certitude. Alone, Grover predicted the Republican landslide of 1994. (See "Happy Warrior," February.)

Christina Hoff Sommers, author of *Who Stole Feminism?*, is up next. The academic left, Sommers says, is conducting a war on science and logic. Bad enough that this 200-year-old Rousseavian tree is rotted, dropping its branches on Western Civ curriculums like firebombs. Worse, it has ruined a generation, turning out chowderheads unfit for real jobs. The chowderheads turn to government. Which now means that the government, and its amen corner in the taxpayer-sponsored arts and media, teems with young dodo-brains overtly hostile to science and technology, reason and logic. These are evil things, tools of enslavement. The consequences? Exhibits funded to teach fifth graders about technology are turned into hand-wringers about Three Mile Island and the *Challenger* disaster.

Sommers appears a sweet soul. Though a professor, she has the look of a psychologist you'd confess deep things to. As she reports these anti-rational fevers and lunacies to the Dark Ages audience, she looks sorrowful.

She is followed by the Family Research Council's Gary Bauer. Like many conservative-libertarians, I am truly conflicted about Gary Bauer. Many REASON readers will laugh at this, but I take Bauer (and Focus on the Family founder James Dobson) seriously and with respect. I've seen lots of phonies and poseurs in my time—some here at Dark Ages II—but Bauer is sincere. I'd trust him to raise my children.

But not to regulate the Internet. Unfortunately, right now, on the dais, Bauer is pumping hard for exactly that. Bauer's talk is gathering steam..."pornography"..."our children"..."only a few clicks away"...and, worse, the audience is sweating with him. The more Bauer squeaks, the more one feels Internet bloodlust rising up in the audience.

A woman from Oakland doesn't like Bauer's trajectory any more than I do. But, free of my inhibitions (e.g., cowardice), she grabs the audience mike and explains that, as a mother and conservative, she is satisfied to let capitalism protect her kids with filters, agents, blocking software, fair market pricing of bits, and the like. No need for censorship. Let the market work. The Oakland woman is cheered—by me and about three others.

Bauer shoots back something about the insufficiency of markets. After all, capitalism gave us rap video, porn. Capitalism can't police itself. He is cheered by the other 300. *Internet bloodlust!* Soaring on the audience's approval, Bauer cranks it up. The conservative vision...will fail!...if it leaves behind social conservatives. You analyze the votes of every conservative win. Look who got you there. Reagan Democrats. Social conservatives. Forget them at your peril.

After brunch, I take a walk to clear my head. I really must work on my pro-market arguments. I change clothes and hike from the Biltmore along a canal past the old Wrigley mansion, and then toward Squaw Peak. Tonight will be a debate between *The American Spectator*'s executive editor, Wlady Pleszczynski,

and David Horowitz. At issue: "Is the Left Winning the War—Or Is It in Retreat?"

I have no doubt that conservatives—at least conservative-libertarians—are winning, and big. For all the steam over Ebonics, this sad little sideshow is dwarfed by how fast the Internet is propagating the English language worldwide. If you like Western Civilization and the American Way of Life, you have to love that. I do. Even liberal CNN assures me the Berlin Wall is still down, and nowadays global capital markets are forcing every country, state, and city into a keen competition for capital and smart people.

That's hugely good news. Capitalism is spreading like wildfire. And capitalism is inherently moral. It celebrates diversity, not of color or gender, but of something far deeper: individual talents and tastes. It asks people to work hard, show discipline, practice thrift, and serve their fellows. Capitalism gives more than it takes. It encourages the winners to reinvest, thus spreading their wealth in the most deserving fashion. How is that not good? How is capitalism's riotous spread worldwide not a clear sign of winning?

A man stands up and says freedom is winning. California just voted against affirmative action, against higher income taxes, and for legal medical prescriptions of marijuana. That does it. Gary Bauer immediately stands up and shouts: "If you are for marijuana, you are at the wrong conference!"

Squaw Peak is a deceptively hard climb. The trail soon becomes a series of never-ending tall steps carved into rock. The 70-degree weather suddenly feels hotter than that, and I have forgotten to bring a water bottle. But I like an honest sweat. Reaching the top, 2,850 feet, is not easy, but of course that is precisely why it feels so good. Honest effort, tangible reward. You can't lobby or carp your way to the top. Nobody lets you start halfway up. Maybe that's why competitive athletes tend to be libertarians and conservatives.

Back at the bottom, the air is smoggier. Pollster Frank Luntz walks onstage to kick off the Wlady vs. Horowitz debate. With the 1996 election receding into memory, Luntz has let his beard grow wild and his stomach flop over his belt. He looks like a lumberjack in search of a pancake and sausage house. Luntz introduces the debaters and announces the rules: Oxford style, during which anyone in the audience can interrupt at any time.

Horowitz begins. Horowitz, most people know, is one of the 1960s left's biggest defections. During his tenure as editor of *Ramparts* magazine, members of the Black Panthers in Oakland murdered his former secretary. Horowitz was outraged—first by the murder, second by the spectacle of his colleagues on the left defending the Panthers against all evidence. Today Horowitz lives in Los Angeles, in the belly of the Hollywood-liberal beast, where he runs something called The Center for the Study of Popular Culture, publishes books and pamphlets, and otherwise torments his old friends. He is a gifted polemicist and a stylish writer. At the podium he looks confident. His eyes twinkle.

His talk does not twinkle, however. To Horowitz, it's a war out there, a jihad, one in which we conservatives are outclassed, outmanned, and losing in a landslide. The left controls the media. Colleges. Public schools. The judiciary. Every day, the left gets out of bed with visions of liquidating the right. Yes, kill. Forget your sweet reason, your high-minded principles, your conservative think tanks, your clever little opinion journals. You think this is a debate. The left knows in its gut this is war. I know. I was one of them. They are killing us. We are losing.

Poor Wlady doesn't have a chance. For as cocky and bombastic as Wlady can be in print, up on the stage he is quiet and reasoned. His English gets thrown by his Polish vowels. Wlady calmly says that, as a son of Eastern Europeans, he damn well knows what losing is all about. Here in America, it isn't war—just a free people having a debate. It's of a different scale. Sure, the left may score the odd little pipsqueak cultural win here and there, but it is no big deal, David..."No beg dill....Ruh-lex, Devid. Vee ar-r-r vinning. The Bearleen Voll ded foll. Freddom iss vinning efferyvhere. You descradut ar-r-r genns by zo vildly izzaggerating."

Horowitz tears him apart. The audience cheers him while hissing at Wlady—poor Wlady—Wlady the Impaled. Freedom and capitalism can't protect us from Hollywood, from vile rappers, dope pushers, pedophiles, porn pimps, bestiality...on the Net...snuff videos!...our children!...only a few clicks away! The crowd loves it. The Biltmore Grand Ballroom is rocking! *Internet bloodlust!* At that point, a man with aviator glasses, sensing the flood tide, exercises his Oxford rules right and stands up and says, no, Mr. Horowitz, freedom is winning. You want evidence? California just voted against affirmative action, against higher income taxes, and for legal medical prescriptions of marijuana. That does it. Gary Bauer immediately stands up and shouts: "If you are for marijuana, you are at the wrong conference!" Many cheers. The man with the aviator glasses yells back: "That's freedom, whether *you* like it or not!" Bauer stands on his toes and cups his hands like a megaphone: "That's not freedom. That's anarchy!"

Now the air is really charged! A man in a wild polyester electric-blue sports jacket leaps to the mike. He announces himself as Chuck Boom, a comedian, and host of *The New Gong Show.* He tells the Dark Ages crowd that doing comedy in small clubs has opened his eyes. People out there in the hustings really like those Demo-

crats-suck jokes. That must tell us something. Ordinary folk. Reagan Democrats. Laughing their heads off at health care jokes, slayed by all those NAFTA screamers....rolling on the floor! Heed the message! The audience applauds and Chuck sits down.

Seeing an opening, G. Gordon Liddy —no less!—stands up and says, "You can't kill ideas. But you can sure shoot the people who hold them."

A lady about 85 shuffles to the mike and says we are losing. Period. But we can win the war if we just shut up and get to work.

Next up is an older man with a stupendous comb-over hairstyle. Big bushy gray hair, brushed out flat with barbed wire and tire irons. Long frizzy ropes yanked from below his ear, rappelled up the side and thrown across the top, then lacquered down. A Las Vegas pompadour. Homosexuals are the problem, he bawls out. In the schools. On TV. Boy Scouts. Everywhere. Pushing their homosexual agenda. Oddly enough, the bad-hair Demosthenes is standing next to *The American Spectator*'s scandal monger, David Brock, who is openly gay. Wearing jeans and black shoes, Brock sits with arms folded, looking bemused.

By now a Dark Ages Gresham's Law has kicked in, and every conservative kvetcher at the mike is pushed out by another one more feverish. This goes on for about five minutes, until even Luntz, who has listened to them all during his career as a professional pollster, can't stand it any more. He looks at his watch. He informs the crowd that The Great Dark Ages II Oxford Style Debate must come to a close.

Luntz lets Arianna Huffington have the final word before we get to vote on the resolution: on whether conservatives are winning or losing the cultural wars. Huffington signals her support for Horowitz. American culture is going to hell. Liberals are to blame. And wimp conservatives too afraid to speak out don't help. But a darker force is at work, too, says Huffington, and we must admit this and deal with it. Its name is Narcissism. It is eating away at our souls. Americans are selfish and they spend the whole day thinking about—themselves.

Arianna Huffington on Narcissism. You couldn't have scripted a better ending than that. Now Luntz asks for a vote. All those who think conservatives have won the war, stand up. I stand up. I glance around the Biltmore Grand Ballroom. I am the only one standing! Luntz rephrases his questions. "I don't mean won, you know, like it's final or anything. Just winning more than we are losing. If you think that, stand up." Assured by Luntz's qualifiers, about 50 more stand up, including my wife. Two hundred and fifty stay grimly put.

I wish I could tell you who else stood up—did Bill Kristol stand up? Laura Ingraham? Clint Bolick? I know Bauer and Huffington were glued to their seats. But, alas, I couldn't bear to turn around and see. All I could think of was fleeing the room.

American culture is going to hell, says Arianna Huffington. Liberals are to blame. But a darker force is at work. Its name is Narcissism. Americans are selfish and they spend the whole day thinking about—themselves. Arianna Huffington on Narcissism. You couldn't have scripted a better ending than that.

The next day. Many heavy sessions over in the Grand Ballroom. But my wife and I decide to skip them and sleep in. I take another walk to Squaw Peak. It is a glorious day, and the climb seems easier. Families are out, and a little girl no older than 5 manages to make it to the top, her daddy beaming with pride.

Back at the Biltmore, I shower and venture down to the concierge and buy a pair of tickets to that night's Phoenix Suns basketball game. And what a fine game it is. Though the Suns started the year 0–13, star guard Kevin Johnson has returned and the team is on a 10–6 roll. America West arena is packed and rocking with 18,000 loyal Sun fans. What an arena, what an unabashed cathedral of commercialism! I count 62 food stands, 46 luxury boxes, and about 40 electronic billboards ringing the stadium, pumping out the ad copy and the adrenaline, pushing everything from Dodge trucks to Sedona getaways to Burger King Whoppers.

Animal spirits are high at the America West arena. The Suns have turned the corner and, just yesterday, made a major trade to acquire Jason Kidd to someday replace the aging Kevin Johnson, who, at 32, still puts on a heroic show every time he touches the ball, a 6-foot-2-inch skinny man unafraid to drive to the basket past men a foot taller and a hundred pounds heavier. Now there is an optimist, a faith-based supply-sider if I ever saw one. The Suns beat the Kings by 12. I haven't enjoyed a ball game so much in years.

The next day, the clouds are out, and the temperature is back in the 60s. Still, I calculate it is brighter outside compared to the dark clouds emanating from the Biltmore Grand Ballroom. Again, I skip a Dark Ages session called "V-chips, Boycotts and the Media: Rethinking Censorship," and hike up to Squaw Peak. Each time it gets easier—the good old learning curve has kicked in, that wonderful phenomenon that smiles on your efforts and saves your hide time and again, whether in peak climbing, or commerce, or so many other things. Back in the room, I turn on the TV and tune to the Sun Bowl. I know I'm skipping yet another Dark Ages session, and even feel a twinge of guilt about it. Then I see something that astonishes me. My alma mater, Stanford, is kicking the bejesus out of Michigan State, 38 to 0. What joy!

My wife walks in, excited from a shopping spree. "Who's winning?" she asks. I smile broadly: "We are, in a rout." ◆

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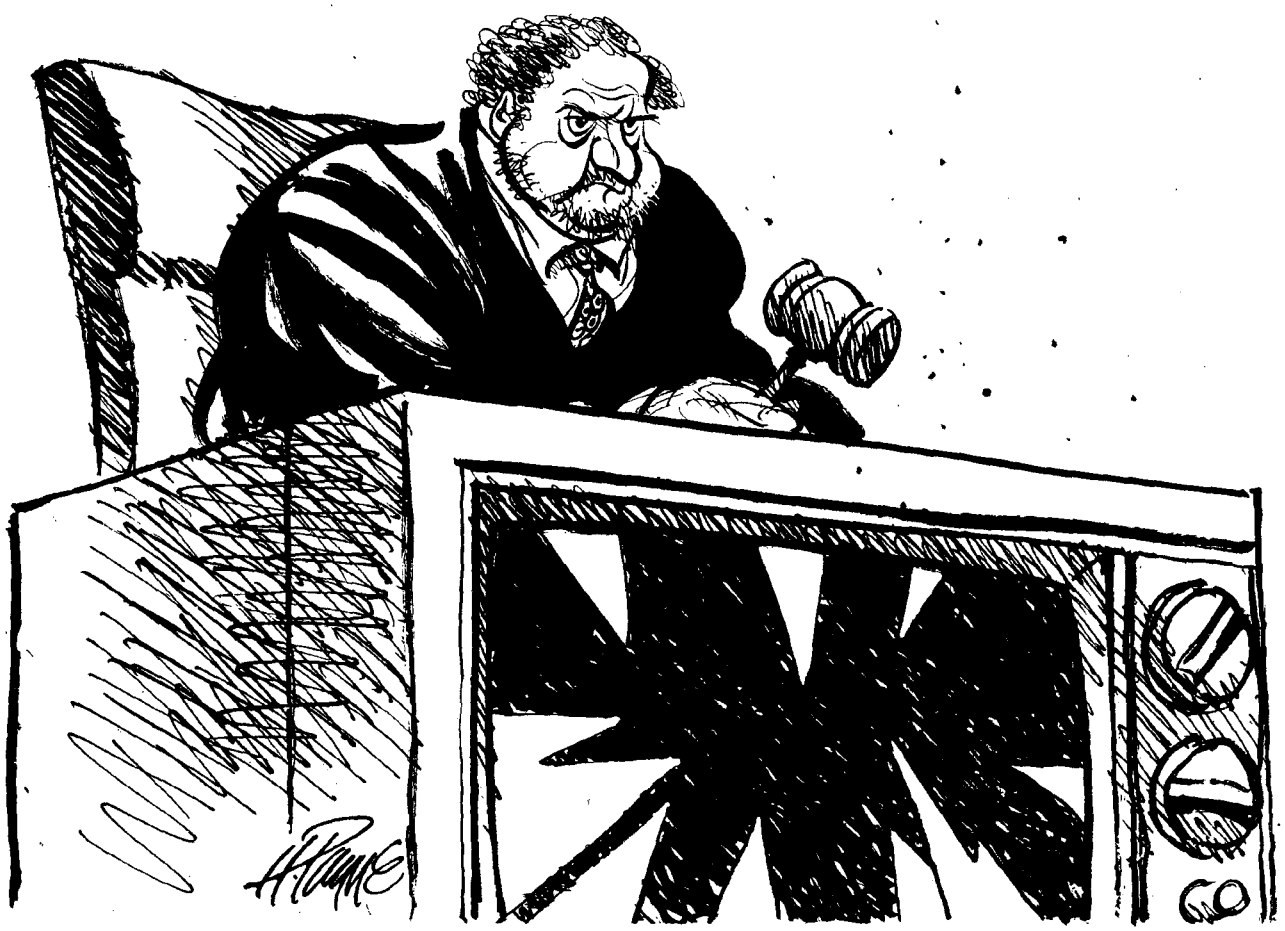
Judge Dread

Robert Bork's hyperbolic assault on contemporary culture is a best-seller. But it has even his conservative allies backing away.

By Walter Olson

Say what you will about the ferment on the traditionalist right these days, it certainly makes for some memorable headlines. "Is Our Society Worth Saving?" asked a perfectly serious January article in the magazine *Insight*, the premise being that it might be wiser, faced with a nation as forgetful of the Deity's will as ours, just to leave it to its brimstone fate. Denouncers of Darwinism and of the separation of church and state are making it into even respectable conservative magazines. The religion-in-public-life journal *First Things* grabbed its moment in the darkness with a symposium positing that the federal government—GOP Congress and all—had become "illegitimate," a "regime" based on "usurpation" led by the courts but connived at by other branches. Panelists mused whether di-



HENRY PAYNE

vine intent might be better served by passive disobedience, selective violence, or all-out revolution to install the faithful in power.

One of the *First Things* symposiasts was former judge and law professor Robert Bork, who did disavow some of the more extreme proposals. It's not hard to see, though, why the organizers might have expected to find him a kindred spirit in head-for-the-hillsery. "This is a book about American decline," he declares on page 2 of his *Slouching Towards Gomorrah.* In fact, ours is "a degenerate society," "enfeebled, hedonistic," "subpagan," and headed for "ultimate degradation" in "the coming of a new Dark Ages." "Bork Blames Yale for Decline of Western Civilization," reported the *Chicago Tribune,* in another of those memorable headlines.

Slouching became a national best-seller, and it's a book likely to have unhappy consequences for some time to come. One is to finish off any reputation that Judge Bork, who once studied economics at the University of Chicago, might have retained as even vaguely sympathetic to libertarian ideas and concerns. America's real problem, he now proposes, is that Americans enjoy too much freedom, not too little. One chapter title inveighs against "The Rage for Liberty and the Pursuit of Happiness"; throughout the book "liberty" and "pursuit of happiness" turn up as pejoratives. Bork traces "our modern, virtually unqualified enthusiasm for liberty" in part to the Declaration of Independence, a document whose influence he generally deplores. He assails as "both impossible and empty" John Stuart Mill's principle that law should interfere with the individual's liberty only for the sake of protecting other persons. Instead he calls for "law based on morality": "society may properly set limits on what may be shown, said and sung." His pivotal chapter is titled "The Case for Censorship."

The blue-jacketed, purple-titled tome illustrates the extent to which many conservatives have shifted their polemical energies from earlier themes to that new preoccupation, the culture war, bringing to it in many cases the sort of combativeness of tone that befits a war rather than a mere disagreement among fellow citizens. For Bork himself, the shift means departing from his earlier role as a leading public spokesman for the case against judicial activism (a case that many, including this writer, believe still badly needs making on its own terms) in favor of a less obviously suitable role as roving analyst and decrier of American popular culture.

Finally, *Slouching* serves as another sign, if one were needed, of how tense relations are getting these days between the libertarian and traditionalist wings of American conservatism. In recent years a sizable phalanx of trad writers and thinkers has emerged who on principle, it seems, reject an appeal to such concepts as liberty, rights, individualism, and choice in resolving questions about the appropriate domestic scope of government. During the long struggle against leftism, many of these thinkers were apparently willing to put up with at least the more moderate libertarians as trench mates; they might even on occasion speak as if they themselves shared the goal of preserving and extending individual liberty. Now many are beginning to treat libertarian notions as little better and in crucial respects perhaps worse than the loathed ideas of the liberal Democrats. (For cases in point, consult many recent issues of *The Weekly Standard.*) Bork himself seems headed in this direction. His book sets up—talk about moral equivalence!—"radical egalitarianism" and "radical individualism" as opposite-but-equal (and somehow allied) threats to America, and proceeds to spend more energy denouncing the second than the first. "Free market economists are particularly vulnerable to the libertarian virus," he warns.

And yet the critical reception of *Slouching* also illustrates why it would be premature to forecast that the American right is on the verge of breaking into its component traditionalist and libertarian wings or, alternatively, of enlisting en masse in the mooted culture war. For the fact is that the book fared rather badly at the hands of mainstream conservative reviewers, who were variously severe on its tone, its analysis, and its concrete proposals. The proposed transformation of the American right from a party of liberty to a party that finds liberty much overrated has already run into more than a little resistance; and that resistance suggests that such ideals as freedom, tolerance, pluralism, and individual rights are not so easily downgraded within the overall scheme of American conservatism. They may even turn out to be, as you might say, organic to it.

Much of the actual content of *Slouching* consists of a familiar run-through of controversies of the day, from crime to affirmative action to the state of the universities. Aside from the unusually vehement tone, of which more in a moment, little in these sections will surprise veteran readers; Bork himself modestly agrees that his goal here is less to be original than to sum up what many strongly believe. The mix of issues, to be sure, has changed from what might have appeared in such a book a few years ago, with economic issues having dwindled to a relatively small role and foreign policy, aside from recriminations over Vietnam, nearly absent. In their place appear newer concerns such as the boom in out-of-wedlock childbearing and the ill consequences of unilateral no-fault divorce.

It's hardly (to digress for a moment) as if proponents of individual rights have somehow collectively run away from these latter issues of family collapse. The most influential sounder of the alarm on rising illegitimacy rates has been Charles Murray, author recently of *What It Means To Be a Libertarian* (and self-described as such). And many commentators on family law have deplored modern government's refusal to recognize anything stronger than a scrap-of-paper, disposable-at-will marriage "contract" even when the parties unmistakably wanted or expected something with more binding force.

Much of the Bork volume's distinctiveness consists not in content but in the tone in which it's delivered. "The enemy within is modern liberalism," the author pronounces, and then personalizes the argument at every turn into a reflection on the presumed motives and character failings of his opponents, in sweepingly defined classes. Antiwar protesters of the '60s "were not motivated by concern for the people of Vietnam," and none of them should be deemed honorable in their aims, which in fact on a practical level amounted to little more than draft dodging.

(If so, why did antiwar sentiment run higher among women than men?) Discussing currents within Roman Catholicism, he announces flatly that "the feminists within the church engage in neo-pagan ritual magic and the worship of pagan goddesses." One searches such sentences, as one might search a pet carrier for air holes, for some ventilating modifier like "a few of" or "some of the most extreme." But again and again there is none.

There is much more of the same. The intellectual class is "necessarily of the Left"—though elsewhere Bork points out many intellectuals' flirtation with fascism between the wars—and "is composed of people whose mindset is very like that of the student radicals of the Sixties." Among the features of that mindset, he adds, is "hostility to this culture"—a strange comment from one who, after a long career in typical intellectual lines of work (law professor, think tank fellow, appellate judge, book author), has written a volume whose theme from first page to last is hostility to present-day American culture. Along with their other failings, it seems, American intellectuals are incompetent at their actual work: "Intellectuals may be intellectually negligible, but they are an important cultural force nonetheless," he coolly declares.

> Bork sets up—talk about moral equivalence!—"radical egalitarianism" and "radical individualism" as opposite-but-equal (and somehow allied) threats to America. "Free market economists are particularly vulnerable to the libertarian virus," he warns.

Reviewers of almost every political stripe parted company from Bork on this matter of tone. Harvard law professor Mary Ann Glendon, a respected social conservative who'd supported Bork's nomination to the high court, told *The Boston Globe* she "felt bad" at reading his latest: "it was painful to see him criticize moderates....I don't see why we have to be read out of the rolls if we don't hew to the party line, point by point." Libertarian legal scholar Richard Epstein in *The New York Times Book Review* said, "Bork never engages his opponents on their own turf. He only assaults them."

The book's true fuel and fury comes on the issue of popular culture. Inevitably, the most egregious rap lyrics serve as the centerpiece, but they really symbolize the evils of rock in general as corrupter of youth. Things were already getting out of hand in this respect by the '50s: "Portable radios became widely available so that youths could choose their music without parental supervision." Although contemporary rock bands "lack even a trace of the musicianship" heard in the big band era, in Bork's view, "MTV is all the more dangerous because it is brilliantly produced." Mainline television "undermines authority" in the same general manner, as witness the atmosphere that prevails in so many sitcoms: "Families are relatively egalitarian; at work, subordinates ridicule their bosses and usually prevail over them." And the ultimate horror is the Internet: Depictions of bestiality, pedophilia, and incest are "among the most popular" erotic images to be found there, he says, an assertion that may astonish many Netizens.

How exactly has the judge learned about all these outrages? It's clear from early on that he's not closely familiar as a direct consumer with many of the cultural trends he discusses, which often lends a catch-as-catch-can quality to his gathering of material: As he told an American Enterprise Institute audience in December when someone asked about his methods of inquiry, he sent his research assistants out in search of the worst examples. Staying over in a Manhattan hotel one evening, he discovered the borough's notorious public access channel. I could find in the book no evidence that the retired judge has ever gone online, but he did read someone's article about the awful stuff available there.

It's a big country (and, as regards the Net, a big world), and diagnosing its cultural ills on the basis of the worst you can dig up in its darkest corners will yield far from a balanced picture. (Imagine someone whose idea of 19th-century London had been formed only by accounts of opium dens, the smuttier Rowlandson engravings, and the police reports in the Jack the Ripper case). Where I live, it's a lot more of a mixed bag: Borders and Barnes & Noble stock plenty of dotty cultural-studies output, but also a selection of paperback classics vaster than could be found almost anywhere 25 years ago; a new translation of *The Odyssey* is a hot seller, while Shakespeare, Jane Austen, and Thomas Hardy revivals all proceed with vigor. Trash TV is a blight, but the effects of justified ridicule are beginning to show even there, while the film reaction against Tarantino is satisfyingly underway. Rap music has seen a sharp fall-off in market share in recent years, while interest mounts in retro categories, including lounge and Tin Pan Alley. Even as Bork reproached Americans—from the best-seller list—with having created perhaps the most depraved society in human history, the number-one box-office draw was, for better or worse, *101 Dalmatians*.

He is ready for this objection. "It is no answer to point out that much of popular culture is harmless or even benign....The worst is the leading edge." But is it? This is what Epstein calls Bork's "model of linear decline," in which movies must become more violent each year, Madonna's antics kinkier, and so forth. It's a model Bork founds on the idea of boredom and jadedness: "it is necessary to keep upping the ante by being ever more shocking," while consumers themselves tire of the old degradations (shoot-'em-up video games) and demand something yet more titillating (snuff films). And it also owes something to the metaphor, so prized among trads, of the "moral capital accumulated by prior generations," a metaphor that simultaneously provides a way to account for any current cultural indicators that

are inconveniently favorable, deprive the present generation of any credit for having gotten these aspects of culture right by its own choices, and plant the idea that these indicators are sure to turn worse in the future as the capital runs down.

In fact the chart of supposed linear decline shows no such thing, even accepting Bork's premises on what is good and bad in culture. As he concedes, TV is portraying police and prosecutors more often as heroes these days. In film, the then widely hailed and now almost forgotten steamfest *Last Tango in Paris* turned out not to be a leading edge of anything, while the *Star Wars* series was. People eventually began laughing at Madonna, and not in a nice way, which may be one reason she's trying to move on to serious roles now. Individually, most adolescents who act out do not proceed in a straight line ever downward to crash in early romantic deaths: Something causes most of them to readjust their time horizons in search of longer-term satisfactions, in the mysterious process known as growing up. The thesis of cultural declinists must be that the process of unforced improvement and learning we see take place in individuals all the time couldn't possibly take place writ large.

But Bork needs his model of linear decline because he's determined to make the argument that persuasion, change of fashion, natural maturing processes, and ridicule can never suffice to elevate the tone of one or another area of culture: The cops must instead be called in. For a "serious attempt to root out the worst in our popular culture," he wishes to argue, "directly coercive responses may be required." When he proceeds to his call for censorship, he has little patience for the drawing of conventional lines between private adult perusal (OK) and public display or availability to children (not necessarily OK). Government should be regulating adults' morals every bit as much as children's, in his view. Remarkably, he manages to view bawdiness behind closed doors as worse, not better, than in public places: "The more private viewing becomes, the more likely is it that salacious and perverted tastes will be indulged." He brushes aside as irrelevant efforts to get the taxpayers out of funding such things: Mapplethorpe's and Serrano's pictures "should not be shown in public, whoever pays for them." His premise, in fact, is the government's right to guide and shape the characters of adults, which means that in his view censorship should cover violence as well as sex, and plain old prose as well as videos, record lyrics, and the like.

The upshot, if Bork had his way, would be a repression of culture that would go in some crucial respects beyond anything of which living Americans have memory, as in the case of his proposed right of censors to control private reading of violent prose. For that matter, since violence or sex are by no means the only types of content that might corrupt character, there's no particular reason why censorable categories should remain limited to those two. Why not ban portrayals that glamorize disrespect to parents? And if the source of all this is the state's right to mold adult character, why stop at prohibition of bad texts? Why not let officials prescribe mandatory reading, listening, and viewing lists so as to promote character formation? Bork feels it necessary to deny he'd actually go this far, but it's hard to see why not. And though he also disclaims any intent to censor political advocacy as such, he's disturbingly eager to chip away at areas closely related to such advocacy—proposing, for example, much broader government power to punish speech that advocates unlawful conduct. One wonders whether he would start with the *First Things* symposium.

On these matters, too, conservative reviewers did not exactly unite in a round of general cheers. One of the more devastating treatments came in *The American Spectator* from Donald Lyons, the *Wall Street Journal* theater critic and regular contributor to *The New Criterion* whose writing over the years has displayed an uncompromising cultural conservatism. Lyons started by observing that "an incisive legal mind does not necessarily make for incisive cultural criticism," and got rougher from there. He also nailed Bork on his dodginess about who would get to wield the censorship power. "About concrete remedies he remains evasive, as when he suggests that 'lyrics, motion pictures, television, and printed material are candidates' for censoring. By whom?" The *Spectator*'s letters column exploded in anger, but Lyons stood his ground.

Several reviewers of a traditionalist bent, in outlets like *The Wall Street Journal* and *National Review*, found it hard to swallow Bork's alternately dismissive and chilly view of the Declaration of Independence and the various Founders involved in its writing and adoption, as well as of such venerable institutions as judicial review. (The book's least conservative moment comes with a throwaway proposal to allow Congress a right of simple legislative override of Supreme Court decisions.) Even *The Weekly Standard* couldn't accept what its reviewer, Tod Lindberg, called the book's "one-sidedness" and "relentless morbidity," finding its arguments "not finally persuasive." Lindberg cited a passage in which Bork reflected that the downfall of the Berlin Wall might have been a mixed blessing for former East Germans, since it exposed them to the degradation of Americanized culture.

Artists in Uniform is the title of Max Eastman's brilliant, long-out-of-print account of the left-wing artistic politics of the 1930s, an episode in which an assortment of driven ideological commissars, feeling sure that cultural problems were political at core and that world history hung in the balance of aesthetic and creative debates, demanded that American artists, writers, and critics choose up sides—are you for the health and well-being of the People, or for its enemies? But as recruits soon learned, the price of enlistment was a demand that they check their aesthetic sense, professional integrity, and artistic freedom with the officers in charge at the camp gate.

With *Slouching Towards Gomorrah*, some of the aspiring headquarters staff of the proposed culture war may have sounded their call to arms, imagining they've found their general on horseback. But it's a free country, and they have no actual powers of conscription. And so all round the edges of the mustering field can already be seen the sight of the intended troops casting aside the proffered uniforms and melting away, back to civilian pursuits.

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Fusion Energy

The case for multiparty candidates

By John J. Pitney Jr.

The Supreme Court is mulling the issue of "fusion." The case has nothing to do with thermonuclear bombs, but everything to do with the future of minor parties in America.

In this context, the term refers to a practice whereby a candidate may run on more than one party ticket. How does it work? Let's say that Leslie Liberty and Syd Statist are running as the major-party candidates for a House seat, and that you are mapping plans for a minor party. If your party fields its own candidate in this race, it might siphon votes from Liberty (who supports limited government) and tip the election to Statist (who combines the ideology of Leon Trotsky with the personality of Roseanne). As an alternative strategy, you might consider giving your party's nomination to Liberty, who would then have two spots on the ballot. That's "fusion."

Depending on the circumstances, as we'll see, a fusion strategy might make good political sense. But there's one catch. Only four states (New York, Oregon, Utah, Vermont) expressly allow candidates to accept more than one party's nomination, while a few other states are silent on the subject. The great majority directly or indirectly forbid fusion.

Things were not always so. Fusion was common in the 19th century, reaching its peak when both the Democrats and the Populists nominated William Jennings Bryan for president in 1896. Seeing a threat from the Populists and other grassroots political movements, however, the major parties in the state legislatures then started to pass the anti-fusion statutes.

The current challenge to these laws started with a 1994 race for the Minnesota legislature in which the leftist New Party chose to give its nomination to an incumbent Democrat. Though the lawmaker and his party consented to this endorsement, Minnesota's secretary of state said no, citing a state law directly banning fusion. The New Party mounted a legal fight (*McKenna v. Twin Cities Area New Party*), losing in federal district court but winning in the Eighth Circuit Court of Appeals. A few years earlier, another circuit court had reached the opposite conclusion, upholding an antifusion law in Wisconsin (*Swamp v. Kennedy*). To settle the issue, the U.S. Supreme Court accepted the Minnesota case for its docket, and it heard oral arguments in December.

An advantage of a large and diverse republic, wrote James Madison, is "the greater security afforded by a greater variety of parties, against one party being able to outnumber and oppress" the others. Madison liked the idea of loose and shifting political coalitions, the very thing that the antifusion laws try to stop.

Supporters of fusion argue that restrictive ballot laws abridge First Amendment rights by keeping minor parties from nominating the candidates of their choice. "This tells them what the substance of their political alliances can be," said Harvard law professor Laurence Tribe in his Supreme Court argument for the New Party.

Fusion enthusiasts also say that multiple listings give the voters more-detailed information and permit them to send more-specific messages to political elites. If a candidate appears on both the Republican and Right-to-Life party lines, the electorate will know more about that candidate's abortion stance than if he or she ran on the GOP ticket alone. And by voting for that candidate on the Right-to-Life line, anti-abortion voters indicate not only *whom* they support but *why*.

Opponents of fusion cite the need to preserve the two-party system. If a major party's candidates get a large share of their vote on a minor party's ticket, their loyalties will be divided and the last remnants of party discipline will vanish.

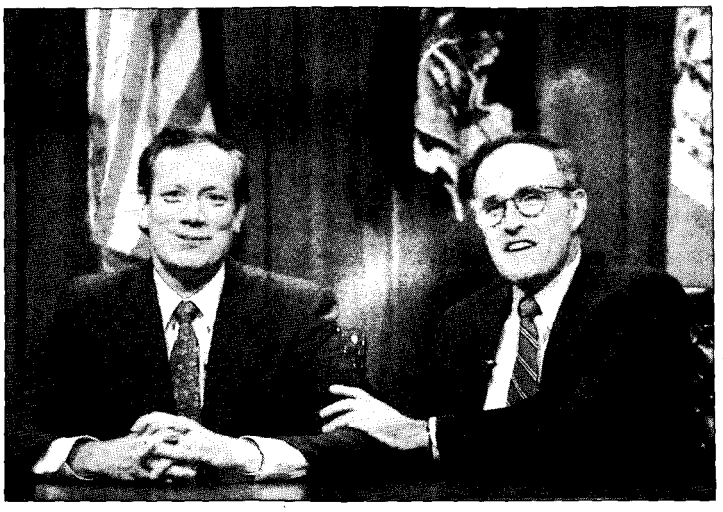
This argument assumes that the Republican-Democratic duopoly is a fundamental principle of American government. It isn't. The U.S. Constitution says nothing about parties, and it's awfully hard to find an endorsement of the two-party system in *The Federalist*. An advantage of a large and diverse republic, wrote James Madison, is "the greater security afforded by a greater variety of parties, against one party being able to outnumber and oppress" the others. Pedants might quibble that Madison was referring more to interest groups than to party organizations as we know them, but that objection misses the point: Madison liked the idea of loose and shifting political coalitions, the very thing that the antifusion laws try to stop.

Opponents of fusion also say that multiple ballot listings confuse voters. This contention is silly. In New York state, politicians routinely run on more than one line: In 1994, for instance, gubernatorial candidate George Pataki not only had the Republican and Conservative party nominations, he also created a "Tax Cut Now Party" so that he could get a *third* spot on the ballot. Residents of the Empire State are confused about many things (see any episode of *Seinfeld*), but this ballot system is not one of them. When I served as a precinct worker in Saratoga Springs, New York, I never saw a single person stagger from the voting booth, whimpering in bewilderment. This experience led me to a firm conclusion: Those who can't handle a multiple-listing ballot aren't going to vote anyway. People who are that cognitively impaired can't possibly find their

way to the polling place.

During oral argument, several justices voiced a hesitancy to strike down dozens of state laws. Yet the anti-fusion statutes rest on such a weak foundation that the New Party might just win. If that happens, minor parties will have to rethink their political game plans, and they will discover that the fusion strategy has several advantages.

The first is economy of effort. Minor parties have a tough time recruiting and financing high-quality candidates. Let's face it: When seeking contenders for the county commission or even the U.S. House, minor parties find that their candidate pool is mighty shallow. Rather than scrape the bottom, minor parties could find it easier to give nominations to acceptable major-party candidates. This approach could also prevent embarrassment for minor parties. In a 1996 California congressional race, the Reform Party nearly nominated Mistress Madison, a professional dominatrix. (On second thought, it's too bad she didn't win: She would have made the perfect party whip.)



New York's Conservative Party endorsed George Pataki (left) for governor. The Liberal Party in New York City did the same for mayoral candidate Rudolph Giuliani (right). Yet both won office as Republicans.

Of course, candidate-poor minor parties can always choose not to nominate anyone for a particular office. Unfortunately, blank ballot spots undercut a party's standing. Like a grocery store with empty shelves, a party without a full slate will come across as a fly-by-night operation.

The grocery analogy suggests another advantage of fusion. Browsers prefer to see at least a few familiar brands: If they look in the cooler and find only Mechanicville Cola instead of Coke or Pepsi, they will probably walk out without buying anything. In the same vein, the absence of well-known names on a minor-party slate may cause voters to wonder whether the party is a bunch of wackos. On the other hand, if a respected governor or senator accepts the party's nomination, the voters' comfort level will rise and they might take a look at the party's candidates for other offices.

Perhaps the greatest advantage of the fusion strategy is that it gives minor parties the power of political life or death over major-party candidates. In 1993, Rudy Giuliani ran for mayor of New York on both the Republican and Liberal lines, and the number of votes he won as a Liberal exceeded his margin of victory. If the Liberal Party had given its nomination to incumbent Democrat David Dinkins, Giuliani probably would have lost. And even

If a respected governor or senator accepts a minor party's nomination, the voters' comfort level will rise and they might take a look at the party's candidates for other offices.

if the Liberal Party had left its mayoral ballot slot blank, he might still have gone down to defeat. A significant number of New Yorkers hate the GOP so much that they would never touch a Republican ballot lever—even though they would vote for the same candidate on the Liberal line.

Accordingly, the Liberals gained a great deal of leverage over Mayor Giuliani, who gave plum jobs to well-connected Liberal Party members and to both sons of the party's state leader. The state's Conservative Party wields similar influence over Pataki.

To supporters of fusion, the New York state Conservative Party demonstrates how the practice can further the cause of principled politics. The party arose in reaction to the governorship of Republican Nelson Rockefeller, whose Mussolini-style public works dwarfed those of any "big-spending" Democrat. After spectacular showings by Conservative candidates (including the election of James Buckley to the U.S. Senate in 1970), Republicans increasingly warmed to the idea of fusion. To win the Conservatives' support, the state GOP moved steadily to the right.

But the Conservative Party experience also raises a cautionary note about fusion. In building its alliance with the GOP, the party has sometimes blessed candidates with less than totally conservative records. Sen. Al D'Amato, a Conservative Party favorite, has openly criticized Republicans for moving too far to the right. And according to the 1996 *National Journal* vote rankings, D'Amato's conservative scores are anemic: 54 percent on economics, 60 percent on social issues, and 63 percent on foreign policy.

A Conservative Party defender could argue that D'Amato is conservative "enough" and that any candidate who took a harder line would not win a majority in New York. (Buckley won with less than 50 percent in a three-way race.) This line of reasoning has its merits, but it raises larger questions. When minor parties turn pragmatic, what purpose do they serve? If you want to split the difference and yield on principle, why not merely join the Republicans or Democrats? And if fusion encourages compromise, might it diminish the creative, hell-raising, china-breaking role that minor parties have so often served?

If the Supreme Court opens the door to fusion, the leaders of minor parties should be wary before walking in. The major parties are like the Borg in *Star Trek*: If you get close to them, they'll assimilate you. ◆

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AP/WIDE WORLD PHOTOS/JERRY GOODSTEIN

Power Politics

Supporters of federal power privatization have learned a lot from failures in the last Congress.

By Ed Carson

"We knew we'd face resistance, but we expected early victories to come easier," says Rep. Scott Klug (R-Wisc.), picked by Newt Gingrich to lead federal privatization efforts when Republicans took control of Congress in 1994. Klug and other privatization supporters knew they had an ambitious agenda, but they thought it was a reasonable one. They didn't set out on a quest for the Holy Grail of privatization, the U.S. Postal Service. Instead, they targeted less-sacred federal relics: the helium reserve, the air traffic control system, and the centerpiece of their agenda, the power marketing administrations.

The General Accounting Office reported that the Western Area Power Administration had failed to recover nearly $500 million in costs. Another GAO report found that 11 of the 23 hydroelectric projects in the Southeastern Power Administration had experienced outages ranging from 30 days to over three years from 1986 through 1995.

The five PMAs produce about 6 percent of the nation's electricity, generated from 129 federal hydropower facilities. By law, they are required to sell their wholesale power at below market rates to public municipal utilities and rural cooperatives, which in turn provide electricity to about 25 percent of the nation's retail consumers. Dating as far back as the New Deal, the PMAs were built to provide cheap power to poor, rural areas in the South and West. Today, however, they help electrify Vail, Colorado, Los Angeles, and the true city of lights, Las Vegas. Unlike investor-owned utilities, PMAs don't pay taxes—nor do municipal utilities and most co-cops. They also receive low-interest loans from the federal government—at about 3.5 percent interest, less than what the federal government pays on its debt, so taxpayers eat the difference—and carry an unusually heavy debt burden.

Klug and others thought the PMAs would be an easy sell in Congress. After all, Republicans had the majority and the Clinton administration supported privatizing four of the five PMAs. They were wrong. Their proposal never went anywhere in the Senate—64 senators voted for a non-binding resolution opposing PMA privatization. Supporters in the House made some progress, but in the end Gingrich, bowing to the inevitable, killed it. Privatization supporters had to lower their sights and revise their timetables. But they learned some important lessons that will make future privatization efforts more likely to succeed.

It's pork, not policy. With every federal program, there are interest groups which are accustomed to their government largesse and will resist any changes to the status quo. The problem with the PMAs is that their beneficiaries are numerous, easily identified, and concentrated in specific regions of the country. Sale proponents were expecting a fight over policy. Instead, they faced special-interest regional politics. The co-op and public power lobbies, the National Rural Electric Association (NRECA) and the American Public Power Association (APPA), organized a letter-writing campaign. Their ratepayers swamped many congressional offices with mail, putting intense political pressure on any wavering members. Even the supposedly free market, revolutionary freshman Republicans put aside petty ideological differences and joined Democrats to fight for cheap juice.

"Republicans from districts with co-ops and munis [municipal utilities] that got power from PMAs fought side by side with Democrats on the issue," says Jerry Taylor, director of natural resource studies at the Cato Institute. "Those socialist bastards in the Clinton administration were more friendly to [privatizing PMAs] than many of the Republicans."

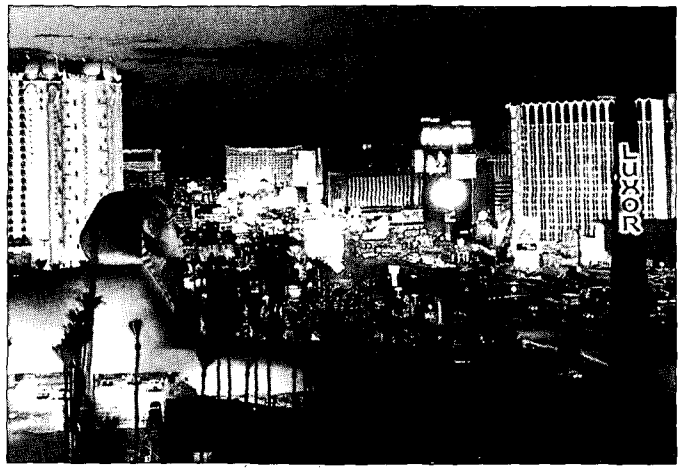
Do your homework. When the Reagan administration first suggested selling off the PMAs in the 1980s, Congress responded by prohibiting federal agencies from even *studying* the idea. So when the co-ops and munis testified that the PMAs were well-managed and didn't receive subsidies from the federal government, privatization supporters had trouble refuting them. "Many members were predisposed to believe that these programs were run inefficiently, but they didn't have any ammunition," says Bill Marsan of the Alliance for Power Privatization, a coalition of investor-owned utilities, independent power producers, and investment bankers.

During 1996, Rep. John Doolittle (R-Calif.), chairman of the House Subcommittee on Water Power and Resources, began laying the groundwork for future PMA legislation by holding hearings and directing the General Accounting Office to investigate PMA operations. In a subsequent report, the GAO reported that the Western Area Power Administration (WAPA) had failed to recover nearly $500 million in costs. Another GAO report found that 11 of the 23 hydroelectric projects in the Southeastern Power Administration (SEPA) had experienced outages ranging from 30 days to over three years from 1986 through 1995, limiting power production and raising electricity prices.

What's for sale? Current proposals call for selling off only the power-generating facilities of the hydroelectric plants. Sale proponents learned the hard way not to

mess with the voters' love of fishing.

For various administrative and financial reasons, in the last Congress the House Resources Committee decided to include the dams, reservoirs, locks, and surrounding federal property in its SEPA proposal. No one really knew how the dams' other uses—drinking water, irrigation, flood control, navigation, fishing, recreation—would be affected, but the opposition gave the public some ideas. Ads aired during Kentucky's gubernatorial race implied that GOP plans to privatize SEPA threatened ordinary folks' right to fish on the river. That didn't go over well with voters. The issue became so heated that GOP candidate Larry Forgy pleaded with Gingrich to pull the bill, which he did in October 1995.



Hotel rooms aren't the only things with cheap rates in Las Vegas: The Strip is lit up with subsidized electricity from the federal government.

Buy off the opposition. "If buying off customers is necessary to compensate for the transition into the market, we shouldn't let getting the maximum price get in the way," says Robert W. Poole Jr., president of the Reason Foundation.

In other words, forget about auctioning off the PMAs. Yes, it would bring the most revenue to the Treasury—$8 billion to $10 billion for the three midsized authorities—but the NRECA and APPA are adamantly opposed and would mobilize their ratepayers again. (Most residential consumers of PMA power would pay only a few cents more each month because they receive just a small percentage of their electricity from PMA sources, but that point tends to get lost in the lobbying.) Getting the federal government out of the electricity business now is more important than holding out for every last dollar.

The Clinton administration proposed selling four of the PMAs to their current customers at a far lower price, between $4 billion and $5 billion. The NRECA and APPA preferred the status quo, but they grudgingly endorsed the administration's plan as a fallback position. The Alaska Power Administration is being sold in this manner with relative ease. It helped that there has been little interest from private utilities, and that it is by far the smallest of the five PMAs—one Clinton administration official described it as "a couple of dinky dams." But the real difference was that instead of opposing privatization, the local public utilities and co-ops are buying APA's two hydroelectric projects.

Rep. John Shadegg (R-Ariz.), picked by House Budget Committee Chairman John Kasich (R-Ohio) to lead the fight for PMA privatization this year, proposes skipping the co-op and public utility middlemen and compensating individual ratepayers directly. Under his "Popular Privatization" bill, modeled after successful privatizations in the Czech Republic, residential and business customers of the three midsized PMAs would be given warrants allowing them to buy their PMA's stock at a discounted price.

Forget about auctioning off the PMAs. Yes, it would bring the most revenue to the Treasury—$8 billion to $10 billion for the three midsized authorities—but getting the federal government out of the electricity business now is more important than holding out for every last dollar.

These customers could choose to buy shares, but presumably most would sell their warrants to competing companies trying to obtain a controlling interest in the privatized PMA. The average residential ratepayer in WAPA could expect to make $156, Southwestern Power Administration customers, $402. SWPA's average industrial customer would gain over $39,000. All told, ratepayers would profit $3.5 billion, and the feds would clear around $4.5 billion from the sale—and $1 billion in taxes every year.

Shadegg's plan also would transfer federal facilities, dam maintenance, and water management to river associations, composed of farmers, riverfront landowners, environmentalists, fishing associations, and other "stakeholders." Associations would operate on fees paid by the privatized PMA, based on what the federal government required for dam operations. But an association could increase revenue by permitting the power producer to increase water flow through the turbines or increase water flow at peak times. Alternatively, it could buy a reduction in water flow to help salmon runs or to improve water rafting.

Business relationships matter. Some of the most vocal opposition to PMAs in Congress has come from liberal Democrats and moderate Republicans. Why? Because they hail from districts in the Northeast or industrial Midwest that don't receive PMA power. And these parts of the country have energy prices far above the national average. "It's hard to convince energy-intensive businesses to stay in the Northeast or Midwest when they can pack up and move to the South or West and pay much lower energy bills," says Rep. Bob Franks (R-N.J.), co-chairman of the Northeast-Midwest Congressional Coalition. Indeed, thanks to the Bonneville Power Administration, the largest of the PMAs, the Pacific Northwest has attracted much of the energy-intensive aluminum industry.

Klug says he wants more formal ties with the business community, rather than the "ad hoc coalitions" he relied on in the last Congress. A number of investor-owned utilities are eager to buy a stake in the PMA projects. But the industry's priority is to end the government subsidy, particularly as electricity deregulation builds momentum. In the regulated environment, utilities didn't really compete with one another, so PMAs weren't a major issue. But following deregulation of the

LAS VEGAS NEWS BUREAU

wholesale power market in 1992 and with California beginning the early stages of retail competition in 1998, investor-owned utilities are more concerned. "You can't have an open market where some are subsidized and some aren't," says the Alliance for Power Privatization's Bill Marsan.

At the same time, deregulation is reducing the PMAs' price advantage, which means that privatization would have an even smaller impact on customers' rates. Competitive prices also could affect the PMAs' ability to repay their large outstanding loans, according to a 1995 GAO report. Bonneville, burdened with a disastrous investment in nuclear energy, already has had to lower its rates to keep several of its major customers from leaving.

It's going to take time. "We thought it was going to be a sprint, but it turns out it's more like a marathon," says Klug. Yet time is on their side. Republicans are confident that they'll hold the House for at least the next four years, and conditions for privatization are likely to improve over that time. In the short term, working on a balanced budget agreement and dealing with entitlement spending may suck up all the political oxygen. (The House Budget Committee may include Shadegg's plan in its budget proposal, but the administration's budget probably will not include any PMA proposals this time, and the Senate remains hostile territory.) But as the deadline for eliminating the deficit approaches, Congress—which presumably will delay serious spending cuts until 2000 or later—will be scrambling to find any sources of revenue. "The budget numbers get so tough that eventually we'll have to sell them off," Klug says.

Critics may chafe at the slow pace of change, but they need to remember that the federal government has had little experience with asset sales. PMA sales will serve as a guide for future privatization efforts. So when privatization proponents move on to the air traffic control system, the Tennessee Valley Authority, or even the post office, they may be able to avoid the political landmines and minimize resistance from the entrenched special interests.

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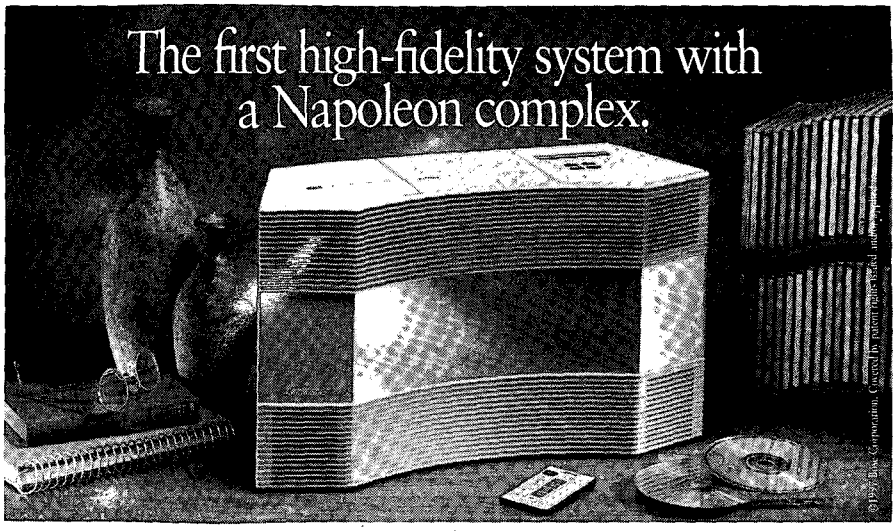

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Drug Test

Polling Congress about medical marijuana

By Nick Gillespie

Last fall, when voters in Arizona and California passed ballot initiatives allowing doctors to prescribe currently illegal drugs, it seemed like one small step for a more humane drug policy. (See "Prescription: Drugs," February.) But in the wake of fierce—and continuing—denunciations by representatives of the federal government, the implications of the initiatives keep getting broader and broader. They raise, most notably, serious issues of federalism. Contravening federal drug laws, Arizona's Prop. 200 and California's Prop. 215 implicitly assert that drug policy is the province of state governments. That assertion provides a potential model for devolution of power in all sorts of policy areas.

In January, REASON polled the U.S. congressional delegations of Arizona and California to gauge their reactions to the initiatives—and to the Clinton administration's repeated threats to prosecute doctors and patients who exercise their rights under the new laws. Senators and representatives in the two states occupy an interesting middle ground in the debate for several reasons: Though part of the federal government, they represent the same voters who supported the state-level initiatives; while many members of Congress openly favor "devolving" power to the states, they rarely discuss drug policy in such a context; and the old liberal/conservative split is no longer a significant predictor when it comes to prosecuting the drug war.

We asked the states' four senators and 58 representatives the following questions:

1) Do you support the Clinton administration's threats to crack down on physicians and other citizens of your state who exercise their rights under Prop. 200 (Ariz.) or Prop. 215 (Calif.)?

2) Opponents of the measures such as drug czar Barry McCaffrey and Arizona Sen. Jon Kyl have claimed that voters were "asleep at the switch" and "hoodwinked." Do you think voters of your state were incompetent in passing this law?

3) Do you believe that physicians who prescribe or recommend marijuana to relieve a specific medical condition should be subject to criminal prosecution?

The aggregate results of our survey are reported in the chart; a full listing is available on Reason Online (www.reasonmag.com). Because politicians typically employ the specificity of psychics and rarely give simple, meaningful yes-or-no replies, we inferred their answers based on the overall content of their responses.

One of the most interesting results was also one of the most predictable: an unwillingness to discuss the topic at all. Out of 62 possible responses, 36 members refused to comment on the matter. Several congressional staffers expressed surprise and relief that the initiatives had not played a larger role during the last campaign. As Will Dwyer, a spokesman for Rep. George Radanovich (R-Calif.), explained with a laugh, "I don't think we took a position on it. We took a position for re-election." In a slightly different but popular vein, a staffer for Rep. Howard Berman (D-Calif.), said the congressman had "decided not to get involved" in the Prop. 215 imbroglio. Even Rep. Ed Royce (R-Calif.), a Reason Foundation donor, did not respond to repeated requests for an interview.

Many of the 26 senators and representatives who did respond seemed uncomfortable with the topic and unwilling to speak plainly about their positions. A notable exception was Rep. Bob Stump (R-Ariz.). Stump, who has little use for the Clinton administration in general, said he is "adamantly opposed to Prop. 200" and fully supports federal efforts to prosecute patients and doctors who use or prescribe marijuana and other substances banned in federal law. As to whether Arizonans acted incompetently in passing Prop. 200, Stump replied in the affirmative, explaining, "The opening paragraph of the ballot initiative argument—which is all most people read—had a very misleading statement. People thought they were making it tougher on drug criminals. I don't think the voters knew what they were voting on."

On the other hand, a number of respondents signaled relatively uncomplicated opposition to the federal response. Rep. Chris Cox (R-Calif.) said, "I don't support the prosecution of physicians who prescribe marijuana for specific medical conditions." A spokeswoman for Rep. Fortney "Pete" Stark (D-Calif.) told us the congressman supports Prop. 215 "definitely" and considers it a "genuine step toward relieving suffering." Rep. Ronald Dellums (D-Calif.), usually no great fan of decentralized government, has written the president urging a different response; Dellums, says a spokesman, believes this is an issue in which the "states have jurisdiction."

Such candor was rare. Inter-

CHIP BOK

estingly, though, the responses show that even ostensible supporters of the Clinton administration policy were uneasy with publicly pledging their allegiance to this particular drug war battle—and it is certainly worth noting that the congressional delegations disagreed with the Clinton line by an almost two-to-one margin. A spokesman for Rep. Howard "Buck" McKeon (R-Calif.) simultaneously voiced his boss's support for a get-tough policy and suggested the possibility of revising that policy: McKeon, said Armando Azarloza, sees "no need to liberalize existing laws," but recognizes a need to "understand exactly what illnesses marijuana is good for."

In a written response, Rep. Matt Salmon (R-Ariz.) eschewed giving a yes or no to our first and third questions. "We must find a way to reconcile the wishes of the people of Arizona with our federal efforts to fight the scourge of illegal drugs," said Salmon, who described himself as a "strong proponent of reducing taxes, expanding trade, and promoting free market health care reforms like Medical Savings Accounts." He added, "As long as the medical community does not recognize the efficacy of illegal drugs, it is appropriate to enforce laws against their distribution." This seems to imply that if the medical community *does* recognize their efficacy, Salmon would sign on to Prop. 200.

Indeed, some members who supported the Clinton administration openly embraced that implication. Speaking for Rep. Frank Riggs (R-Calif.), Beau Phillips cited Riggs's opposition to Prop. 215 and said, "there is no credible medical research [as to] whether marijuana use is legitimate." However, according to Phillips, Riggs would like to see that research conducted, because the "door is not closed to any procedure that would reduce human suffering." When it comes to the specific issue of shackling cancer patients and their doctors, there seems to be little stomach for the sort of total war that has characterized federal drug policy.

When we asked whether voters were "incompetent" to pass the initiatives, we knew few politicians would be so impolitic as to answer with a simple yes. Among opponents of the initiatives, there was a fairly standard tap dance around the offensive word. "The congressman never believes voters are stupid," said a press secretary for Rep. Robert Matsui (D-Calif.). "But we're not sure what kind of awareness of the proposition there was." Along similar lines, a spokesperson for Rep. Matthew Martinez (D-Calif.) claimed "voters were not asleep at the switch, but they were hoodwinked. They let compassion override better judgment." A aide to Sen. Jon Kyl (R-Ariz.), one of the most outspoken opponents of the new laws, even suggested a psychological mechanism to explain continued support for the "misguided" legislation: "Nobody likes to be tricked. So now [voters] are defending their mistake more and more defensively."

Regardless of the voter competency issue, however, most respondents generally embraced the voters' will, even when it differed from a member's predilection. Rep. Sonny Bono (R-Calif.) "voted against Prop. 215 and doesn't believe in the medical marijuana approach," said spokesman Frank Cullen. "But [Bono thinks] it is wrong for the feds to step in." Similarly, a spokesman for Rep. Gary Condit (D-Calif.) said Condit is "opposed to legalizing drugs in any way. But he's a firm believer in states' rights and may oppose the federal efforts to crack down on doctors." The press secretary for Rep. Jim Kolbe (R-Ariz.) said Kolbe was against Prop. 200 and went so far as to suggest, "Perhaps voters didn't fully understand." More important was the second part of his response: "What else is new? To single out [the voters' decision] on this issue is wrong. Rep. Kolbe won't come riding in on a white horse with all the power of Washington behind him. The voters of Arizona have voted, and [the federal government] will have to deal with that in some legal framework that makes sense."

Such reasoning reflects some benefits of the initiative process: the ability to force a discussion of topics politicians would rather leave alone and the ability of citizens to demand accountability of their representatives. Two years ago, the medical marijuana issue was not simply flying below the political radar screen—it was grounded. In the wake of Prop. 200 and Prop. 215, even the nation's drug czar is calling for research into a matter that the feds had more or less considered closed. With the passage of new medical marijuana laws in Ohio, Washington, and Massachusetts (see "Pot Pass," p. 21), the federal government may have to completely rethink its position. The conversation provoked by the initiatives may even lead to more-general questions about the costs and benefits of drug policy.

In that broad sense, the initiatives could well become the tails that wagged the big dog in Washington. If that happens, they may ultimately be more responsible for shifting power away from the federal government than any number of Beltway-based visions of a new federalism.

Nick Gillespie (ngilles123@aol.com) is a senior editor of REASON. *The survey was also conducted by Managing Editor Rick Henderson, Assistant Editor Brian Doherty, and Staff Reporter Ed Carson.*

Poll Results

Sixty-two senators and representatives were polled. Twenty-six responded; 36 either had no comment or did not respond.

Question 1: Do you support the Clinton administration's threats to crack down on physicians and other citizens of your state who exercise their rights under Prop. 200 (Ariz.) or Prop. 215 (Calif.)?

Yes: 9
No: 15

Question 2: Opponents of the measures such as drug czar Barry McCaffrey and Arizona Sen. John Kyl have claimed that voters were "asleep at the switch" and "hoodwinked." Do you think voters were incompetent in passing this law?

Yes: 9
No: 16

Question 3: Do you believe that physicians who prescribe or recommend marijuana to relieve a specific medical condition should be subject to criminal prosecution?

Yes: 8
No: 15

Note: Totals do not add up to 26 because some respondents did not answer all questions.

A full report on the poll is available on Reason Online (www.reasonmag.com).

Call of the Whites

The skeleton in environmentalism's closet is nature.

By Charles Paul Freund

For a century, Jack London has been everyman's guide to the Yukon, and to a wilderness within. His best-known work, above all *The Call of the Wild* (1903), used the Canadian North to evoke a nature so primeval that it stripped away the superficial, the domesticated, and the merely social, and awakened the authentic man trapped inside. Recently, the modern Yukon sought to return London's tribute by honoring him. Now it has changed its mind.

Why? Well, that howl piercing the northern night may sound like a wolf, but it is really the scream of environmentalism confronting one of the skeletons in its closet.

Here's what happened. The Yukon city of Whitehorse announced plans last year to rename one of its main streets Jack London Road. London was in the Yukon during its 1890s gold rush, leaving with only scurvy and his literary inspiration. Before Whitehorse could put up its new street signs, however, a local Indian tribe called the Kwanlin Dun objected. Some of London's personal letters, they charged, contained racist views. According to an account in *The Washington Post*, these "appeared to advocate white superiority." His defenders tried to save the day, arguing, in the *Post*'s words, that London "was relatively progressive for his era." But an embarrassed Whitehorse decided to drop London.

Actually, both of these characterizations—that London "appeared to advocate" racism, and that he was "relatively progressive"—are not only true, they are real understatements.

The nexus of these apparently inconsistent views is London's frequent subject: his idea of man's place in nature. Nor is London alone at the crossroads of politics, race, and nature. He is joined there by a number of other writers, most spectacularly by Knut Hamsun, the Nobel Prize–winning novelist of the soil who was a favorite of both Bolsheviks and Hitlerites, as well as by some of the nature activists of America's Progressive Era.

No literature has had so complex a political history in our century as that which addresses man amid nature, because no literature reveals so forcefully the rifts of industrialism at their hidden foundations. London's work is an instructive case in point. We may think of him as the author of *White Fang* and *The Sea Wolf*, Nietzsche fit for boys (and with women now running with the wolves, for girls, too). But the Whitehorse incident caps a century of political turmoil around London; indeed, it is in some ways an inevitable climax to his literary adventure.

Jack London claimed his work had brought the overthrow of capitalism at least "ten minutes closer."

He actually invited much of this turmoil. Far from being just "relatively progressive," he was an admirer of *The Communist Manifesto*: the original aw-shucks revolutionary in flannel. John Reed, still the poster boy of left-wing romantics, is a variation on the persona London pioneered. Even the now-notorious valediction, "Yours for the Revolution," was first popularized by London. He was a marcher, a speech maker, and a propagandist for the overthrow of capitalism, and claimed his work had brought that event at least "ten minutes closer."

He also created a body of revolutionary fiction. The best-known of these works is *The Iron Heel* (1907), described by H. Bruce Franklin (the noted science-fiction authority and anthologizer of Stalin) as "the epic struggle of the enslaved proletariat" against a predicted "20th-century fascist oligarchy." London's now-obscure socialistic stories are a fascinating combination of revolution and pulp luridness. "A Curious Fragment," for example, is built around the discovery of a 28th-century worker-slave's severed arm, still clutching a proletarian petition.

All this was very pleasing to, among others, Lenin, who regarded London as more useful culturally than such less-thrilling writers as the constructivist poets, and who helped establish him as one of the few Americans to be a staple of popular Soviet reading.

But he was a lot less pleasing to his fellow American leftists. For one thing, there is some question about London's Marxist sincerity. Unlike Upton Sinclair, who squandered his wealth in utopian schemes, London spent his money on himself. He was also a critic of American socialists, resigning from the party in 1916 because it lacked "fire and fight." He thought World War I was a great opportunity, "a Pentecostal cleansing that can only result in good for humankind."

In the end, London's revolutionary hopes were really about undermining trade and technology. These alienated man from nature, turned him effete, and prevented him from realizing his destiny. That destiny was racial: A return to nature would free the blond Nordic beast. Critic Franklin notes that this theme runs through much of London's now-ignored science fiction, from "The Strength of the Strong" to "When the World Was Young," which are filled with yellow-haired savages and atavistic modern characters.

This sort of thing was to catch Germany's eye. German scholar Peter S. Fisher has noted the influence of London's fantasies on some of Weimar Germany's pulp racists, specifically his "The Scarlet Plague" (1907), which was read as "an accurate prophecy of the white race's demise." (It is noteworthy as well that *The Sea Wolf*, which Soviets regarded as a tale of class

injustice, was popular in Germany as a fable of the Will to Power.) The Nazis' preferred writer was the far more talented Knut Hamsun, a Norwegian who supported National Socialism because he believed trade and technology to be dehumanizing, and embraced its blood-and-soil nature mysticism.

But one needn't go overseas to connect London to nature-racism; it was rampant here. Americans in the 1890s were confronting the end of their frontier, and were pondering its meaning. One voice raised was that of John Muir, who thought the wilderness was beautiful, and that it should not all be laid waste; most modern environmentalists will prefer to trace themselves to his aesthetic views.

White Fang **author Jack London believed the call of the wild beckoned the white race to achieve its savage destiny.**

ARCHIVE PHOTOS

But that's not where the populist action was. Teddy Roosevelt, for example, supported wilderness preservation because he believed that men needed a place they could hunt; without such essentially manly activity Americans would become soft, decadent, deracinated. Historian Roderick Nash has traced the veritable cult of "savageness" that arose, celebrating the presumed nobility—and spiritual superiority—of men in the wild. A popular literature sprang up around such ideas, though only two of its practitioners still have readers: London and Edgar Rice Burroughs.

Among those calling early for saving the redwoods and establishing wilderness preserves were such men as Madison Grant, the country's leading racial theoretician and a friend of TR's. Author of the notorious book, *The Passing of the Great Race*, Grant believed Nordics were being overwhelmed by inferior, merchant "races." Nordics couldn't compete with them because they, Nordics, were simply too magnificent for such mean competition. For Grant, the purpose of a saved wilderness was as a racial and spiritual redoubt.

This brand of nature mysticism was an international phenomenon, mirrored in the German *Wandervoegel* movement and wherever industrialism developed or threatened. Slavophilism, part of Russia's great, three-way 19th-century debate (with revolution and classical liberalism) features it as a central line of thought. Dostoyevsky's meditations on Russian peasantry as the world's salvation praises them for their simple Orthodoxy; they are people close to the earth, unspoiled by vulgar trade. He too lashes out at alien merchant races, meaning Jews. Indeed, however tangled these intellectual paths through the woods became, many of them arrived at the same xenophobia and anti-Semitism. Marx may have equated rural life with idiocy, but he also equated trade with Judaism, and condemned the whole religion as embodying "actual contempt for and practical degradation of nature." (Norway's Hamsun hated the British; the worst insult he thought to hurl at them was that they were "Protestant Jews.")

Nature, whether in Jack London's Klondike, Germany's Black Forest, or Russia's steppes, can be a source of beauty and renewal. Reasonable persons can take part in quotidian environmentalism, which is about recycling, pollution, and spotted owls, and not about racism or revolution. Why, then, have so many attuned themselves to murmuring pines and hemlocks, only to hear lessons in race hatred and blood letting?

The answer lies in finding not merely beauty in nature, but absolutes. What nature-utopians of the left and right share is the belief that, whether in the peaceful rhythms of its seasons, in the unspoiled ruggedness of its landscapes, or in the tooth-and-claw struggle for survival, nature is a source both of wisdom and morality. From aesthetic to absolute is a short bridge to cross—some would argue it is an inevitable one—and even so moderate a figure as Muir went over it, ultimately preaching that the forests were God's true and sacrosanct cathedral. That's Dostoyevsky's neck of the woods.

But spiritual cathedral or racial redoubt, once one perceives nature as good in the absolute, the alternatives to its purity become not just mistaken, but immoral. Thus commerce and machinery are not just distractions; because they alienate us from nature, they are evil, as are their users, defenders, and beneficiaries.

Concepts of evil derived from the absolutist contemplation of nature flourished earlier in this century; scholar Anna Bramwell traces that remarkable history in *Ecology in the 20th Century* (1989). Environmentalism's rise has, by the logic of ideas, buoyed many such notions back into view: from the mystical antipathy to machinery to goddess worship; from Unabomber terrorism to the Gaia thesis of a sentient Earth. Left-wing activist and journalist Michael Novick has written of the xenophobes who have attached themselves to environmentalism under the guise of population control, and reports a number of small-time revivals of racist blood-and-soil movements in Europe. American racist Tom Metzger has attempted to combine the Aryan movement here with ecologism; the fascist gathering in the Northwest is an attempt to realize Nordland, their racist nature utopia.

That German nature-mysticism got wrapped up in National Socialism does not mean that such ideas have an inevitable trajectory. But as it happens, London himself imaginatively preceded the Nazis along their racist path all the way to genocide. In his awful story, "The Unparalleled Invasion," the world's white nations unite to wage germ warfare against the Chinese, killing them all, and inaugurating a golden age.

Whitehorse cancelled its Jack London Road. But in a sense there is one anyway, and it is worth pondering where it leads, and where, at any given time, we might be along it.

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Trade Winds

By Brink Lindsey

One World, Ready or Not: The Manic Logic of Global Capitalism, by William Greider, New York: Simon & Schuster, 512 pages, $25.00

Unfortunately, William Greider's *One World, Ready or Not* is the best-written book on the global economy I have yet read. It is a panoramic work: Greider tells the stories of businessmen, financiers, government officials, workers, and activists from around the world, and then combines this flesh-and-blood detail with broad and sweeping historical generalizations. The prose is clear and sharp, and energized by Greider's passionate political sympathies.

Greider does a particularly good job of conveying the dizzying, wonderful strangeness of the phenomenon he analyzes. In one well-drawn anecdote, he describes a Motorola semiconductor plant in Malaysia. The workers—young Muslim women in ankle-length dresses, heads and shoulders swathed in scarves—file into the factory, walk down a hallway hung with Norman Rockwell prints and festooned with goofy slogans like "You'll Be Prepared for Anything with Enthusiasm," and then proceed into the changing room, from which they emerge in white jumpsuits and surgical masks, ready to operate some of the most complicated machinery human beings have ever devised. Here Greider summarizes the scene:

"The spectacle of cultural transformation was quite routine—three times a day, seven days a week—but it conveyed the high human drama of globalization: a fantastic leap across time and place, an exchange that was banal and revolutionary, vaguely imperial and exploitative, yet also profoundly liberating."

As someone who has witnessed his fair share of similar scenes, I can attest to how vividly jumbled the human condition is where the Third World meets the Third Wave. Leave it to a critic of the global economy to do a better job than its friends in bringing to life this sometimes breathtaking, sometimes comical complexity.

The virtues of this book are unfortunate, however, because its vices are so colossal. At virtually every turn, Greider's economic and political analysis could not be more drastically wrongheaded. He completely misunderstands how new wealth is generated and spread by market competition; as a result he sees ruin where in fact there is promise, and then proposes "solutions" that would be ruinous if adopted. The fact that the book is well-written will only ensure that it gains readership and influence it does not deserve.

Over the past 10 to 15 years, the web of marketplace relationships that connect people across political boundaries has expanded into vast new frontier areas. Most dramatically, the communist bloc collapsed; the Soviet empire dissolved and China, while remaining under Communist Party control, has tied its economy to capitalist countries. And throughout the developing world, fear of exploitation by rich nations has given way to a desire to sell to their markets and court their investment. The international capitalist economy has thus added billions of potential new producers and consumers.

International market relationships have grown not only in geographic scope but in complexity as well. Economic growth in developing countries has changed them from mere commodity suppliers into increasingly sophisticated manufacturing bases. This process has been accelerated by investment from multinational corporations: Improvements in transportation and communication have allowed these corporations to integrate their operations on a global basis, locating facilities wherever costs are lowest. Goods and capital are thus flowing across more borders, in greater volume, along increasingly complicated routes.

With all the hype about the global economy, it is important to maintain one's perspective. After all, billions of people still live in isolated agricultural villages, where economic activity remains decidedly local. And even in developed countries, most of us work in service industries that are not traded across borders.

Nevertheless, the changes that have occurred over the past couple of decades—and those that the next decades portend—are nothing short of revolutionary. The wealth-creating powers of free people have now been unleashed to an unprecedented extent. As a result, it is possible to picture seriously, for the first time in human history, a world in which affluence and opportunity replace poverty and ignorance as the normal lot of mankind. Putting it mildly, that's pretty great stuff.

Greider, though, doesn't see it that way. Rather, he believes the new global system is hurtling toward self-destruction. According to Greider, the global economy is beset by "inherent contradictions" that are "propelling the world toward some new version of breakdown, the prospect of an economic or political cataclysm of unknowable dimensions."

What is the source of instability in Greider's view? In a word, oversupply. First, the "global overabundance of cheaper labor" is dragging down wages and living standards in rich countries. Second, global overcapacity in major manufacturing industries—only to be exacerbated by continued rapid growth in developing countries—threatens "some source of decisive breakdown, a financial crisis or an implosion of global commerce" à la the Great Depression.

In other words, the world is suffering from an excess of wealth-creating power. The opening up of the old communist bloc and Third World has made too many productive workers available to commercial enterprise; the development of competitive industries in these countries has burdened the economy with too many productive assets. According to Greider, "Shipping high-wage jobs to low-wage economies has obvious, immediate economic benefits. But, roughly speaking, it

also replaces high-wage consumers with low-wage ones. That exchange is debilitating for the entire system."

Greider thus sees the emerging global economy as a zero-sum game: "The history of industrial development has taught societies everywhere to think of the economic order as a ladder....The new dynamic of globalization plants a different metaphor in people's minds—a seesaw—in which some people must fall in order that others may rise."

Greider looks with particular fear at China, which if it continues to develop "could underbid almost everyone in the world on wages and prices." Although he does not welcome this outcome, Greider speculates that "the global system will be spared its nightmare" only if "some sort of disaster will befall the Chinese." For China, Greider states, "it is difficult to know not only what to expect, but also what to wish for."

Greider's analysis falls prey to the classic protectionist fallacy (it's no surprise that Clyde Prestowitz is warmly praised in the acknowledgments): the assumption that work is an end in itself. In this view, a nation is rich because it has profitable businesses that pay high wages. Anything that imperils those businesses, or those jobs, imperils the nation's standard of living.

In fact, however, the whole genius of capitalist wealth creation runs in the opposite direction. Adam Smith stated the principle in *The Wealth of Nations*: Consumption is the end of production, not vice versa. We don't drive cars to give people in Detroit something to do; people in Detroit build cars because they think we want to drive them. Effort for its own sake, or just to keep busy, is economically meaningless. A producer is a producer only if there are willing consumers; otherwise he is a hobbyist.

Capitalism—whether it operates on a national scale or internationally—creates abundance by encouraging people to maximize the value to other people of their efforts. We grow richer because we are constantly both adding new value and reducing effort. Wealth creation, then, is an ongoing process of doing more with less. A Chinese peasant works to exhaustion just to feed himself and his family; an American farmer feeds thousands. The productivity of the American farmer liberates those thousands from the necessity of growing their own food, and allows them to spend their time building computers, selling insurance, making movies, and so forth.

A Chinese peasant works to exhaustion just to feed himself and his family; an American farmer feeds thousands. Economic progress is made possible by eliminating work, thus freeing up resources to do other things. This can happen by building machines that save effort, or by trading with people who can make things more cheaply than we can ourselves.

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Accordingly, economic progress is made possible by eliminating work, thus freeing up resources to do other things. This can happen by building machines that save effort, or by trading with people who can make things more cheaply than we can ourselves.

In reality, then, Greider's "oversupply" is not a problem, but a magnificent windfall. The enormous pool of new labor now available for productive use, the new low-cost producers in developing countries, are the functional equivalent of some fantastic new piece of labor-saving machinery that will allow people in rich countries to spend their time on other things. Both rich and poor stand to get richer.

Of course, this process is painful for some. People who lose their jobs and savings when businesses fail or shrink suffer real hardship. Predictably, Greider focuses on the capacity and employment reductions experienced by U.S. smokestack industries, such as the integrated steel mills. But he ignores the rise of mini-mills like Nucor—not to mention the ferment of wealth creation in other industries, from microchips to software to discount retailing to entertainment. To look at creative destruction and see only destruction is to miss the main point of economic life.

Greider trots out the usual claims of declining wages to support his claim that wealth creation abroad is a threat to living standards at home. Among others, W. Michael Cox and Richard Alm have shown these claims to be bogus. (See "The Good Old Days Are Now," December 1995.) And recently, the Boskin Commission's findings that the inflation rate is being systematically exaggerated knocked the props out from under the Chicken Little crowd.

Greider argues that the proper response to the oversupply "problem" is to stimulate demand: "An aggressive effort aimed at rapidly bringing up the bottom of the global wage ladder would directly contribute to the greater purchasing power needed worldwide to consume the world's surpluses of goods and thus narrow the supply gap." In particular, he advocates unionizing the work force in the developing world, thus "freeing workers to demand a larger share of the returns from their burgeoning economies."

Here again, Greider betrays his complete lack of understanding of how capitalist wealth creation works. The fundamental reason for low wages in poor countries is not the absence of collective bargaining, but rather the low average productivity of labor in those countries. A quick look at gross domestic product per head shows that the developing world still generates relatively meager wealth. Only continued growth and investment can raise productivity, and consequently overall wages.

Meanwhile, the policies Greider advocates to encourage unionization abroad would throttle poorer nation's prospects for such continued growth. Specifically, Greider urges rich countries to impose a "social tariff" against countries that do not observe what he considers to be appropriate labor standards—this on top of an "emergency tariff" of 10 percent to 15 percent to reduce the U.S. trade deficit. It is hard to imagine a policy better designed to keep the developing world impover-

ished—not to mention start a trade war that could send the whole world into an economic meltdown.

According to Greider, the malignant effects of global capitalism are registered not only in declining living standards but also in a fraying of the social safety net. Once again he sees catastrophe where in fact there is cause for optimism.

Greider correctly observes that increased foreign competition, along with loosened restrictions on the mobility of capital, have put pressure on governments to reduce tax and spending burdens. From Greider's perspective, a real achievement is now under attack from short-sighted penny-pinchers. "Rich nations," he says, "are all confronted in different ways by the same assault, the same question: Must they now undo what the twentieth century created—the strong social presence of the state?"

In other words, Greider remains an unreconstructed welfare statist: "The welfare state was, in fact, an attempt to devise a fundamental compromise between society and free-market capitalism.... The aid programs and labor laws were intended to compensate for the social consequences of unfettered enterprise—the poverty and unemployment and family dissolution—without destroying the energies of the capitalist process."

Greider is living in a time warp. There is absolutely no acknowledgment in his book that any government policies have failed, or that there are any better ways to pursue agreed-upon policy goals than through existing programs. In the United States, the war on poverty created or at least exacerbated horrible social dysfunctions, while Social Security is a demographic time bomb. In Europe, labor laws and unemployment/disability benefits conspire to produce double-digit unemployment year in and year out. Greider doesn't say a word about any of this: By his account, attempts to address these serious policy failures are just callous and mean-spirited Scroogism.

The inability of domestic firms to compete with less encumbered foreign rivals, and the decisions of domestic firms to pack up and move, are merely signals that present policies are in need of change. Greider blames the alarm bell for starting the fire and seems to think everything would be fine if it just stopped its infernal ringing: He proposes to lock capital in place with taxes and other controls.

Thus, he believes that a new burst of statism is needed to save global capitalism from itself: "The world's nations must eventually turn to political solutions of this nature: collective reform to ameliorate or slow down the destructive forces, to correct the economic imbalances of supply and demand, to reassert control on capital and restore the social understandings, to foster a more stable promise of prosperity." In addition to the trade and capital restrictions I've already mentioned, he advocates progressive taxation, a populist monetary policy, and subsidies and controls to promote "sustainable development."

We don't drive cars to give people in Detroit something to do; people in Detroit build cars because they think we want to drive them. Effort for its own sake is economically meaningless.

Although Greider recognizes that his enthusiasm for interventionism is currently out of favor, he warns that the alternative is dire: "Respectable opinion is now enthralled by the secular faith that Austrian economist Karl Polanyi long ago described as 'the utopian endeavor to establish a system of self-regulating markets.' Today, there is the same widespread conviction that the marketplace can sort out large public problems for us far better than any mere mortals could. This faith has attained almost religious certitude, at least among some governing elites, but, as Polanyi explained, it is the ideology that led the early twentieth century into the massive suffering of global depression and the rise of violent fascism."

Well, well. Once again Greider has put his finger on the exact opposite of the truth. The totalitarian horrors of the 20th century may indeed be blamed on a secular faith—not laissez faire, but the belief that central planning and top-down control were the wave of the future. That same belief, stripped of the bloodthirstiness, helped cause the Great Depression and underlies the chronic ills of the welfare state. Now, at century's end, the world is finally beginning to unburden itself of this misconceived faith, making possible the emergence of the global economy and all its liberating potential.

If the beneficent process of globalization does suffer future reverses—and that is certainly a live possibility—they will be due to Greider's beloved "strong social presence of the state," not the lack thereof. In the developing world, warfare or theocratic regimes could isolate markets from the global system. In the advanced economies, a protectionist reaction or continued fiscal profligacy could trigger a major worldwide economic shock. Less drastically, misguided policies around the world that shackle private initiative will reduce the enriching benefits of global commerce.

Ironically and unwittingly, Greider has done all he can to ensure that his prophecies of a future crackup are self-fulfilling. He has advocated, with eloquence and conviction, policies whose adoption could well precipitate just such an economic collapse.

There is no mincing words: This is a truly awful book. It would be easy, but I think improper, to chalk up the book's failures to the author's leftist leanings. One can imagine a book, as yet unwritten, that offers a powerful and challenging critique of the new global economy from a leftist perspective. As Greider notes in his first paragraph, creative destruction on a world scale "throws off enormous mows of wealth and bounty while it leaves behind great furrows of wreckage." A book that engaged our compassion for those left behind and urged some amelioration of their condition would have made an important contribution to the political debate.

There are glimpses of such a book in Greider's opus, but they are swamped by all the pernicious nonsense I have outlined above. Greider's book deserves round condemnation—richly deserves it—not because of his perspective or priorities, but because of his woefully flawed understanding.

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Change Reactions

By Brian Doherty

The Pinball Effect: How Renaissance Water Gardens Made the Carburetor Possible and Other Journeys Through Knowledge, by James Burke, Boston: Little, Brown and Company, 310 pages, $23.95

Thought Contagion: How Belief Spreads Through Society, by Aaron Lynch, New York: Basic Books, 182 pages, $25.00

As the pace of change quickens, the human desire to understand change strengthens. That desire is a corollary of the larger human desire to grasp why things happen—the desire at the root of all science, most technology, and some ideology. Two recent books give differing, and in some ways opposing, looks at how and why things change, as they attempt to analyze and explain chains of causation in man's physical *and* mental worlds.

One book—James Burke's *The Pinball Effect: How Renaissance Water Gardens Made the Carburetor Possible and Other Journeys Through Knowledge*—emphasizes technology. The other—Aaron Lynch's *Thought Contagion: How Belief Spreads Through Society*—emphasizes ideology. Burke's is closer to traditional history. It tells specific stories about actual events, compressed in depth of detail but spread wide over human space and time.

Lynch's book tries to explain how human *ideas* spread, grow, and change. His goal is to define and defend the value of a brand new "discipline"—memetics—whose catch-phrases are popular in the world of the digerati, if nowhere else yet. (A new academic journal dedicated to the nascent field is due this year.) The term was invented by popular-science writer and zoologist Richard Dawkins in his 1976 book *The Selfish Gene.*

Neither of these books is masterful. Burke's, at least, manages to entertain and to give a deeper and more accurate look at how change is most likely to affect us. At the same time, he gives hope and comfort to those who hope for change in the direction of greater human liberty.

Burke is best known to public TV and Learning Channel mavens as the host of the popular history series *Connections,* in which he indulges in the same shtick as in this book: spinning convoluted stories to trace the links in a long chain of causation that tie together two apparently different inventions or happenings. In most cases the connections are meant to be paradoxical, counterintuitive, or just very strange. Burke's history glides on the surface: Personalities are limned with quick, broad brush strokes; political and social history are barely mentioned; the larger picture is missing.

Still, Burke's attention to the choices, discoveries, and fascinations of specific individuals seems truer to human life than Lynch's disembodied, eerie vision of ideas as viruses that acquire people far more than people acquire ideas. Burke's is a world of acting, purposeful individuals, who admittedly often stumble upon the most earth-shaking discoveries merely by fortunate coincidence or accident. Lynch's is a world of "thought contagions" that somehow program people's minds to spread them: ideas as alien invaders.

Burke's stories cover the discovery and effects of concepts and technologies ranging from postage stamps to the permanent wave; the steam engine to the phosphorus match; interchangeable machine parts to spectrometers; cost accounting to dynamite; barometers to railroads. While recounting these tales, he touches on many ideas, from European imperialism to German racial nationalism to Baconian empiricism to Jansenist Christianity.

To Burke, such ideas are secondary to physical realities and the techniques by which we manipulate them. Still, one big idea lies at the core of the motor that moves Burke's chaotic, multi-causal, dizzying world of change. That idea is summed up in the first sentence of chapter 5, which tells the story of how the lust for spices led, centuries down the road, to smart bombs: "The marketplace has a profound effect on how change comes about. If enough people want hot pickle and will pay any price for it, somebody else will go to extraordinary lengths to find hot pickle for them."

Of course, no one would pay *any* price for hot pickle, but Burke's mind is in the right place. And while he rarely states the point as baldly as here, that same motivation is discernible in almost every tale he tells: People make changes because they want more for less; because of economizing man. That's the one big idea threaded throughout Burke's skein of history: People desire things, and they desire them to be more plentiful and cheaper. That engine is more powerful than any of the viral ideas whose contagion is charted in Lynch's apologetic for memetics.

Burke plays tricks with his readers. Each chapter traces a different connection. At the heart of many of his chapters is a link that is not direct causation, but merely a rhetorical flourish (something just reminds Burke of something else) or a connection through mere proximity (someone works in the same industry as someone else, or invests in some land that contains a mineral that ties into another narrative). Has Burke fooled himself with his verbal legerdemain, or is he merely trying to fool the reader? Alternatively, perhaps Burke is trying to impart the lesson that change and growth in human technologies are too interconnected, complicated, and twisted to be meaningfully modeled as link following link following link following link.

Indeed, Burke's book is designed with a crude print approximation of computer hypertext. At certain points in one chapter's tale, the margin lists page numbers linking that story backwards or forwards to another chapter entirely—a more sophisticated version of those children's books where you spin a wheel to choose what page to leap to at certain turns in the story. The incidents (or accidents) and inventions that appear as crucial connections in Burke's world range from the "of course" to the "how's that?": dyes, coal tar, railroads, Romanticism, the telegraph, risk insurance, the European love for Chinese porcelain.

In contrast to Burke's glorious muddle, Lynch has an arid vision of change, one that denies Burke's chaos. Lynch harbors a scientistic lust for prediction, and hu-

bristically hopes the new science he's hyping could prove a real-world analog to science fiction writer Isaac Asimov's vision, in his *Foundation* series, of "psychohistory": a nearly infallible predictive social science.

The prediction and modeling of social orders is one of the hottest cross-disciplinary topics in computers and the social sciences. But memetics, at least on the popular level presented by Lynch, is far from the kind of quantitative exactitude that computer models need. With its object of study as inherently unpredictable as how people embrace ideas such as the nuclear family, Mormonism, diet fads, astrology, and gay gender differences (a random list of topics essayed in Lynch's book), it's hard to imagine that memetics will be quick to leap from a collection of just-so stories to a science that can predict what will happen with ideas tomorrow.

Lynch promises that he will render "apparently arbitrary currents of culture freshly comprehensible." He starts by listing the seven main modes of meme transmission: 1) quantity parental (idea encourages those who hold it to have more children); 2) efficiency parental (idea increases probability that children will hold their parents' ideas); 3) proselytic (idea encourages holders to try to convert nonholders); 4) preservational (idea encourages holders to remain holders); 5) adversative (idea encourages holders to attack or harm nonholders); 6) cognitive (idea seems reasonable or cogent to others); and 7) motivational (holding idea yields social benefits).

This is a recognizable method of social science: systematizing a collection of what might seem, after one hears them, to be truisms. And indeed, it is almost certainly true that ideas will spread further if their adherents have lots of children and encourage their children to hold their ideas and spread them to others. It's also helpful if the ideas strike most thoughtful human beings as sensible—and of course, one must never underestimate the motive of personal gain.

But Lynch almost completely ignores one important realm of ideology—*morality*, or a sense of right and wrong—that lies at the heart of many of the battles he discusses: family structure, sexual behavior, policy issues like guns, abortion, and drugs. He may be implicitly saying that morality is just a mask draped over one of his seven memetic modes, but he never grapples with the issue directly.

Does memetics deliver the explanatory or predictive goods? When discussing such inflammatory political topics as drug use/abuse and gun control, memetic thinking comes to these daring conclusions: "Society could thus face continuing cycles of waxing and waning drug consumption" and "Strong replication advantages thus work on both sides of the firearms issue in modern America." (Lynch thinks one of the main reasons people profess opposition to gun control is to frighten potential attackers into assuming they must have a gun.)

One big idea is threaded throughout Burke's skein of history: People desire things, and they desire them to be more plentiful and cheaper. That engine is more powerful than any of the viral ideas whose contagion is charted in Lynch's apologetic for memetics.

Too often, Lynch's analysis comes down to this: Any widely held idea has some reason for existing. When your list of transmission modes includes such givens as "the idea makes sense" and "holding the idea gives advantages to the holder," it's not too hard to cobble up endless just-so stories that show how your theory can explain everything. Of course, a theory that can explain everything explains nothing.

Even on his own terms, Lynch's argument often slips. While he is careful to acknowledge at certain points that not every idea has 100 percent efficiency parental spread, he occasionally falls into implicitly assuming that memes are like genes, transmitting perfectly from generation to generation.

And for someone who is attempting to explain historical events, Lynch seems strangely uninterested in looking into or even addressing areas where non-memetic history could shed light. He posits a memetic take on why Christians believe in the resurrection, one that involves speculating on the relative growth of different Christian sects, without any discussion of standard histories of the early church. He also comes to a memetically reasonable conclusion that the financially well-off should have more children than the worse off and doesn't seem aware of the real-world evidence that just the opposite is true.

On a simpler level of historical blindness, Lynch blithely assumes that those who condemn masturbation in fact don't masturbate—not a proposition I would bet on. But that's emblematic of the weakness in Lynch's entire memetic structure: It too often treats people as mere victims, in a sense, of ideas. Despite modes six and seven, which actually treat individuals as thinking actors, most of the book concentrates on the modes involving parents or the preservation of the *ideas* themselves, ignoring the question of why an individual should embrace an idea just because the idea has qualities that help it spread.

Burke and Lynch, without meaning to, offer opposing parables about human liberty. In terms of both positive liberty (there's more we're able to do) and negative liberty (there's more that it's almost impossible to stop us from doing), the technologies whose stories Burke tells have been tremendously significant—even more significant, in some ways, than the ideology of liberty. (Of course, there's a feedback loop—a certain degree of liberty was necessary for these technologies to spread.) And despite memetics' weaknesses, it does perhaps shed some light on the ideology of liberty's failure to sweep the world (it's good in the proselytic and cognitive modes, weak in all the others). Fortunately, biologically derived metaphors like memetics can never be the last word when it comes to human beings, who have volition on a level that genes do not. And Burke's technologies can expand human freedom *without* the need for the designers, the users, or the potential tyrants to understand the ideas.

Brian Doherty (bmdoherty@aol.com) is assistant editor of REASON.

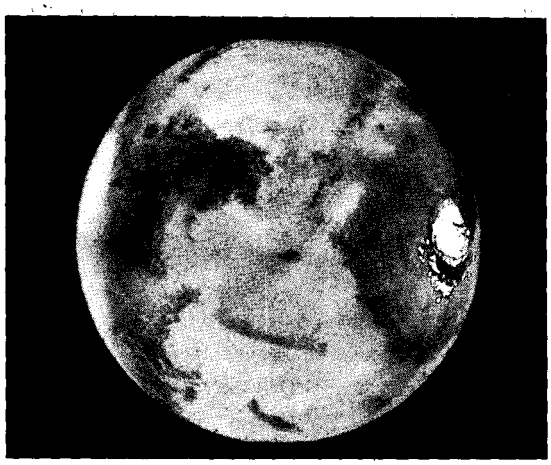
Spaceship Enterprise

By Kenneth Silber

The Case for Mars: The Plan to Settle the Red Planet and Why We Must, by Robert Zubrin with Richard Wagner, New York: The Free Press, 328 pages, $25.00

Mining the Sky: Untold Riches from the Asteroids, Comets, and Planets, by John S. Lewis, Reading, Mass.: Helix Books/Addison-Wesley, 274 pages, $26.00

Why should humans go to Mars? One reason is that the job market there looks pretty good. Martian society will experience a chronic shortage of labor, due to the small size of its initial population and the high cost of transportation from Earth. Hence, wages will be high, career opportunities will abound, and innovation will be rewarded. Paperwork, bureaucracy, and the quest for purely formal credentials will be kept to a minimum. Such are the exigencies of life on a harsh frontier.



Robert Zubrin's Mars Direct manned mission would use existing or readily developable technologies and might cost between $20 billion and $30 billion—less than 10 percent of NASA estimates.

USGS

Such ruminations might sound farfetched, the stuff of some distant future, perhaps, but of no practical interest to anyone alive today. But that future may be closer than most people, including many space experts, currently think. In *The Case for Mars*, Robert Zubrin and Richard Wagner present a powerful and pragmatic argument for near-term exploration and colonization of our celestial neighbor. In their telling, the first humans could be on Mars within a decade, and many thousands could be living there by the mid-21st century.

Zubrin, formerly a senior engineer at Lockheed Martin, is the leading proponent of "Mars Direct," a plan for a stripped-down, no-frills, manned mission, using existing or readily developable technologies. Under the plan, a four-member crew travels straight to the Martian surface in a heavy-lift rocket (making no intermediate stops in Earth or Mars orbit); explores large swaths of territory with the aid of ground rovers; and then returns to Earth using an oxygen-methane fuel synthesized from the Martian atmosphere. Eliminated from this scenario are the vast spaceports and *Battlestar Galactica*–type spaceships traditionally envisioned for interplanetary travel.

By drastically lowering mission costs, Mars Direct could extricate the red planet from its current political oblivion. When President George Bush called for a manned Mars mission, the National Aeronautics and Space Administration responded with a bloated, 30-year, $450 billion plan, which Congress quite justifiably shot down. Mars Direct, by contrast, might cost between $20 billion and $30 billion. (A modified version, called Mars Semi-Direct, with an estimated cost of $55 billion, is now accepted by NASA as a "baseline" for formulating yet more plans. No actual mission is currently scheduled.)

Moreover, cost overruns and bureaucratic inertia could be avoided by turning Mars Direct into a "Mars Prize." Under this approach, formulated by Zubrin and the Progress and Freedom Foundation at the behest of Newt Gingrich, government's role is simply to provide cash incentives for the private sector to perform the mission.

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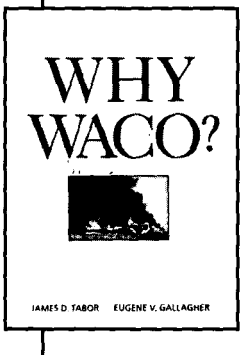

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This would be done in stages: preliminary rewards for such feats as automated fuel synthesis in the Martian atmosphere, and a $25 billion grand prize for getting a crew to Mars (and back). Unlike the traditional "cost-plus" contracts of the aerospace industry, a Mars Prize would inspire the work to be done under budget.

In addition, Mars Direct's particular trajectory through the solar system, and its avoidance of time spent in orbit, enable an extended (500-day) stay on the surface, rather than a plant-the-flag mission of limited scientific value. The crew, consisting of two field scientists and two high-tech mechanics, would give priority to the search for signs of past or present life on Mars. That cosmic question cannot be explored adequately just by examining Martian meteorites on Earth, or even by sending robot probes to Mars. Imagine, write Zubrin and Wagner, parachuting a remote-controlled rover into the Rocky Mountains and trying to locate a dinosaur fossil.

Increasingly, however, human activity on Mars would be oriented toward the future, toward the building of a permanent society. *The Case for Mars* sketches out what that might entail, including ever-larger domed habitats and eventual terraforming to raise temperatures and oxygenate the atmosphere. Beyond such technological challenges, moreover, the book addresses the crucial economic issue: A large-scale human presence on Mars cannot endure indefinitely as a black hole for subsidies from Earth. The fourth planet must pay its own way. How might it do that?

Mars will need a thriving export sector to pay for its imports of manufactured goods from Earth. (Even with a high degree of automation, Martian society's labor shortage ensures that imports will be necessary far into the future. Furthermore, such trade will be desirable, given the rule of comparative advantage.) Fortunately, Mars contains a plenitude of natural resources with export potential. Deuterium, a fuel useful for today's nuclear-power industry and essential for future nuclear-fusion reactors, is a particularly promising candidate for interplanetary commerce.

Ideas as well as natural resources could make valuable exports, as Martian innovations in biotechnology and robotics are licensed for use on Earth. Indeed, the authors argue, investment in the Martian economy could begin even before any humans have set foot there. Mining rights, for example, could be allocated to any company that sends a probe to survey a piece of Martian territory to some specified degree of precision; such rights could be traded actively right now, much as land grants to trans-Appalachian America were bought and sold decades before settlers actually arrived.

Moreover, licensing and direct exports to Earth are not the only means by which the inhabitants of Mars could make a living. Much as colonial America was the linchpin of a "triangle trade" between Great Britain and the British West Indies, Mars might become a key intermediary for economic activities elsewhere in space. In particular, note Zubrin and Wagner, the planet would be a convenient local supplier for mining operations in one of the solar system's most resource-rich neighborhoods: the "Main Belt" of asteroids between the orbits of Mars and Jupiter.

Investment in the Martian economy could begin even before any humans have set foot there. Mining rights, for example, could be allocated to any company that sends a probe to survey a piece of Martian territory to some specified degree of precision.

The vast economic potential of asteroids and other extraterrestrial bodies is the subject of *Mining the Sky*. John S. Lewis, co-director of the NASA/University of Arizona Space Engineering Research Center, argues that the payoff from space exploration will be bigger than virtually anyone has recognized. Much bigger.

Consider: The asteroid belt contains an estimated 825 quintillion (a billion times a billion) tons of iron—enough to build shells around planets, gigantic cities in space, and starships carrying entire civilizations. How much is this iron worth? Lewis performs a fanciful calculation: At present prices of around $50 a ton, the asteroids yield $7 billion of the metal per person for everyone alive today, or an affluent standard of living for a population far larger. Moreover, iron is merely one element found in the Main Belt, which also contains gold, silver, copper, manganese, titanium, uranium, and much else.

Nor does the Main Belt have a monopoly on space's potential riches. *Mining the Sky* ranges broadly across the solar system, finding technological and economic possibilities all the way from the moon and "near-Earth" asteroids to the distant orbits of Uranus and Neptune. Lewis sometimes blurs the distinction between near-term technologies and distant or improbable ones, an effect that is intensified by the book's fictional vignettes about asteroid miners and other colorful characters. Nonetheless, *Mining the Sky* succeeds in conveying a sense that space is anything but an empty, unimprovable wasteland.

The moon's ample supply of helium-3, long touted by space buffs as a potential fuel for advanced fusion reactors, is duly noted, as are the even larger supplies of the substance in the atmospheres of all of the giant outer planets. Jupiter and Saturn present particularly daunting prospects for exploitation, Lewis acknowledges, since their powerful gravitational fields would require any departing vehicle to have an extremely high escape velocity. However, with a flourish of untrammeled technological optimism, he points out that souped-up helium-3 rockets just might do the trick.

Even some of the dangers posed by extraterrestrial objects might turn out to be opportunities. Lewis points out that near-Earth asteroids (some of which are easier to get to than the moon) could be mined to reduce their mass, thus minimizing the threat of a cataclysmic collision. The asteroidal material then could be converted into solar-power satellites that would collect and transmit energy for Earth. Moreover, Lewis notes, some near-Earth asteroids also pass in the vicinity of Mars and the Main Belt; these bodies, suitably hollowed-out, someday may serve as

the "traveling hotels" of the solar system.

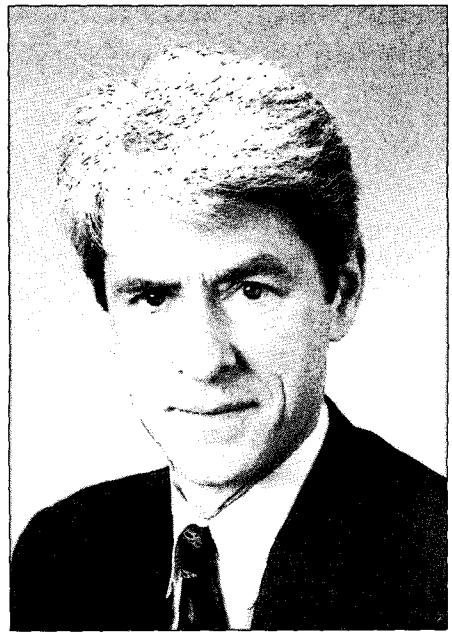
Lacking in *Mining the Sky*, but present in abundance in *The Case for Mars*, is a clear set of priorities for practical action. Lewis provides little concrete advice on how to bridge the chasm between the present state of space exploration and the bountiful future he envisions. By contrast, Zubrin and Wagner provide not only a detailed program for going to Mars but also a critique of competing objectives. In particular, the Mars enthusiasts seek to shoot down the moon as a goal for human colonization; the satellite, they note, is relatively impoverished in water and other resources needed for survival (a point still valid despite the recent detection of ice on the moon).

The Case for Mars and *Mining the Sky* both draw a sharp contrast between a brilliant space-faring future and a bleak existence if humanity remains Earth-bound. Both make reference to the dictum of H.G. Wells that "the choice is the Universe—or nothing." However, the books differ notably in their discussion of that choice.

Mining the Sky contends that the notion that natural resources are running out is a myth—but one that's all too true if Earth is the only source considered; Lewis even hazards a prediction of global collapse into subsistence agriculture around 2030 unless the riches of space are tapped. *The Case for Mars*, ultimately, is based more on the need for a frontier than on any shortage of terrestrial minerals. Zubrin and Wagner warn that Earth is slipping into a malaise of bureaucracy, cultural homogeneity, and diminished technological progress. Mars, they argue, would give rise to a dynamic new branch of human civilization, one whose entrepreneurial energies would reinvigorate Earth society as well.

Eventually, Mars, the asteroids, and the rest of the solar system may have been explored and settled. What then? *Mining the Sky* ends with a call for humanity to expand throughout the entire galaxy, creating a population of countless quintillions; Lewis's sheer maximalism may discomfit even some space enthusiasts. In *The Case for Mars*, Zubrin and Wagner proclaim that our distant descendants on a multitude of worlds, even with all their advanced capabilities, will still marvel at the boldness of those who began the great push into space. Science fiction has long been filled with such entertaining and inspiring visions. These two books show they might be affordable, too.

Kenneth Silber (ksilberny@aol.com) writes about technology and economics for Insight, City Journal, *and other publications.*



David Kelley: He uses Ayn Rand's philosophy to argue that a world in which benevolence is absent would be an ugly and brutal place to live.

Nice Distinction

By Loren E. Lomasky

Unrugged Individualism: The Selfish Basis of Benevolence, by David Kelley, Poughkeepsie, N.Y.: Institute for Objectivist Studies, 65 pages, $9.95

Miss Manners Rescues Civilization, by Judith Martin, New York: Crown, 497 pages, $30.00

Benevolence is the virtue that moves us to take account of the vulnerabilities and values of others for their own sake, not merely our own. As with most virtues, the practice of benevolence does not come easily. But for followers of novelist-philosopher Ayn Rand, it seems not to be available at all. Randians are notorious for extolling selfishness, indeed nominating it for the status of virtue; they speak of altruism with all the affection that a certain ex-president reserved for broccoli. And Rand herself scarcely ever tipped her pen in the direction of benevolence. It is simply a no-show on the Randian agenda.

Or such was the case prior to *Unrugged Individualism*. David Kelley, arguably the most gifted living interpreter and developer of Rand's philosophy, argues convincingly that a world in which benevolence is absent would be an ugly and brutal place to live. Less convincing are his attempts to square the circle of Randian egoism with an endorsement of unreciprocated acts of kindness and a generosity that isn't incessantly calculating answers to the question, "What's in it for me?" As with Dr. Johnson's dog walking on its hind legs, the wonder is not how well it performs but that it does so at all. Can Kelley's dog get vertical?

On first blush, it seems that it cannot. Egoism is the doctrine that one should always act to advance one's own well-being. That does not mean that one ought to go around trashing the lives of others; living within society as a predatory wolf is not a strategy likely to secure self-advancement. (Well, it might if one's chosen career is subway muggings or politics, but that is a topic for another essay.) Rather, most of what makes human lives go better requires the cooperation of others, and that is most effectively elicited by being a reliable cooperator oneself. Hermits aside, we get on by repeatedly exchanging *quids* for *quos*, all parties thereby benefiting.

This is the stuff of which Econ 101 texts are made, and I pick no quarrel with it. However, it is not benevolence. An economic actor is concerned only incidentally with the interests of other parties to the exchange. The good or service one affords them is extended only to induce provision of something one values more highly. The less one gives up (or the more one re-

ceives), the better. Getting the most for the least is the essence of economic rationality. But benevolence means providing more than one must. If I have to perform some action to survive or to advance my prosperity, it is a misuse of language to speak of that action as benevolent even if it redounds to the benefit of others. Only when one voluntarily accepts a bit less so that someone else can have more does benevolence come into the picture. And the Randian scorn of altruism seems to place that venue off limits.

Kelley disputes this. Benevolence, he claims, is "a commitment to achieving the values derivable from life with other people in society, by treating them as potential trading partners, recognizing their humanity, independence, and individuality, and the harmony between their interests and ours." Trade, unlike fraudulent deception or the blunt introduction of force, evinces respect for others. They, like oneself, are bearers of rights that may not be transgressed.

Kelley is certainly correct to maintain that a disposition to seek voluntary agreements with others rather than run roughshod over their person and property is a virtue. But to label it "benevolence" is blatant misidentification. Adam Smith was not similarly confused. In *The Wealth of Nations* he famously observed, "It is not from the benevolence of the butcher, the brewer, or the baker that we expect our dinner, but from their regard to their own interest." When regard to one's own interest is pursued in a manner that does not violate the rights of others, an individual is manifesting justice, not benevolence.

More on target is Kelley's observation that we all fare better in a society in which people from time to time extend acts of uncompensated generosity to others. Suppose your car breaks down on a rural road. Someone with a cellular phone in his car drives by. It would brighten your day considerably if he would stop for a moment to ascertain what's wrong and then phone in a request for emergency assistance. To do so will cost him some time in getting to his destination and a few cents in connection charges. Perhaps he calculates that if he stops now to help you out, someday you might encounter him in similar circumstances and will then volunteer your own aid. That would indeed be more than adequate compensation.

But the likelihood of such a tit-for-tat scenario playing itself out is vanishingly small: There are lots of roads out there and lots of cars. It seems, therefore, that a rationally self-interested individual will not stop to offer aid. Yet he and you, and all the rest of us, would benefit from an environment in which such small acts of kindness were common—that is, from living in a society in which most people are at least modestly benevolent. So should the egoistic motorist stop to help?

Kelley says yes. By helping, the motorist extends a share of generosity to others, the same generosity he would wish to receive if he found himself in similar straits. I endorse Kelley's moral judgment. To offer highly valued assistance to someone at minimal cost to oneself is not mandated by strict concern for rights and duties, but it is nonetheless morally indicated. My disagreement is with the contention that this conclusion follows from egoistic premises.

Mannerliness is a virtue, not some superfluous affectation practiced by those with too much time on their hands. Rudeness is not made good by a concern for the bottom line. Courtesy matters even where money is being raked in, perhaps especially there.

The example sketched out above is one of numerous variations on the interaction pattern that decision theorists have dubbed the Prisoner's Dilemma. Briefly, this is a situation in which each party will do better with regard to her own interests by acting uncooperatively. If all cooperated, however, they would each do better. In other words, the egoist will be pleased if others stop to help when her car breaks down, but if she is rational she will not stop for someone else.

That, objects Kelley, is to be a free rider. True. The problem, though, is to identify a principled reason why selfish individuals ought to decline any opportunity that comes their way to take a free ride. Kelley replies, "Someone who would accept help in an emergency but would not provide it to others is acting on the premise of seeking something for nothing. He is seeking a benefit without the effort of producing that benefit; he wants to obtain an end without pursuing the necessary means." But this is fallacious. First, it equivocates on "benefit." Either the term refers to *this* person's stopping to help me when I am in need, or else it means the *general social practice of uncompensated assistance.* But it is only the former that directly benefits me; how common such assistance might otherwise be is altogether immaterial to the consistently selfish individual.

Second, in neither event is my own cooperative activity a means to the desired end: In the former case, either the motorist stops or doesn't stop, quite independently of what I do when the shoe is on the other accelerator; in the latter case, it is about as likely that my own action will determine whether or not generosity abounds throughout the society as it is that my one vote will tip a presidential election. The game theorists were right all along: In a prisoner's dilemma, selfish participants defect.

Furthermore, the principle of not accepting something for nothing itself has dubious egoistic credentials. If some valued item just falls into one's lap, will an egoist refuse to keep it? If a trade partner is a poor bargainer and offers to sell an item at only half of the maximum price the egoist is willing to pay, will she insist on paying more? I do not think so. But, then, I am not an egoist. That is, I do not equate rationality with selfishness, and I do not identify willingness to make small sacrifices for the sake of others with the pathological syndrome known to Randians as altruism.

There is a final arrow in Kelley's quiver. One should not, he urges, treat actual and potential trading partners in the same way one deals with vending machines into which coins are deposited and from which goods are extracted. To steal from either is wrong. But toward persons one should, in addition, be courteous and accommodating. That is because they are not merely tools to be employed in furtherance of one's own projects but rather are beings with ends of their own to which they are

as wholeheartedly devoted as you are to yours. Persons, unlike mere things, merit treatment that underscores their status as rational agents. It is through employing forms of behavior and speech that conventionally express respect and regard that we acknowledge the dignity that is properly theirs.

Kelley's account rings true but is somewhat off-kilter. Again he has discerned but misidentified an authentic virtue. Attentiveness to forms of civility is not benevolence but rather mannerliness. And make no mistake about it: Mannerliness is indeed a virtue, not some superfluous affectation practiced by those with too much time on their hands. Rudeness is not made good by a no-nonsense concern for the bottom line. Courtesy matters even where money is being raked in, perhaps especially there, in virtue of the heightened sensitivities that typically accompany major pecuniary transactions. Kelley's observations concerning why that is so are perceptive. They serve as a useful prologue to the important new book from the very woman who takes her name from manners—or might it be vice versa?

It is not polite to blow someone's cover, especially when that someone is a lady, nay, a veritable *grande dame*. But the readers of REASON deserve the complete, unvarnished truth. So here it is. You may have been told that Miss Manners (known to her auto mechanic and a few other confidantes as Judith Martin) is a syndicated advice columnist who instructs a public mystified by multiple forks, cryptic notations such as RSVP, and the rule covering how to address the Archbishop of Canterbury should he happen to take a seat on one's bus. Through the oracles she delivers in *The Washington Post*, readers learn to cope with etiquette's endless stream of requirements, thereby rendering themselves more fit denizens of high society.

There is some truth to this characterization—some, but not much. I don't, of course, mean to suggest that Miss Manners does not know the rules or that she is not sufficiently forthcoming in her willingness to share that knowledge with others. But that no more conveys an adequate sense of her activities than does describing a librarian as someone who recites Dewey decimal numbers. *Miss Manners Rescues Civiliza-*

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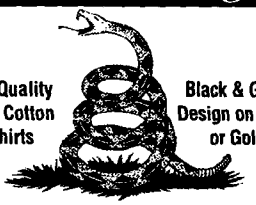

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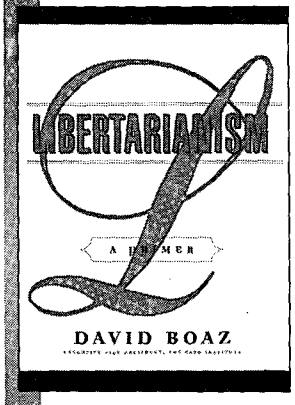

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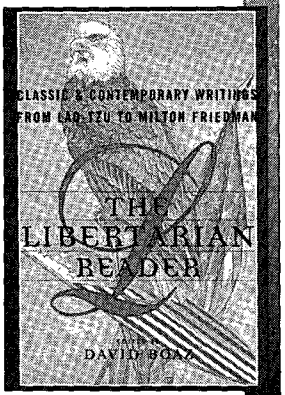

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tion includes some data concerning fork norms and the like, but this is not an especially good source in which to look up lists of *Do's* and *Don't's*. Many other books, including some of her own, are more comprehensive.

The present volume is, though, a splendid source of insight concerning why our society, like every other civilization, has devised such lists; what the consequences are of not affording them a conspicuous role in our own conduct and the education of our children; the substantial penalties we pay when we allow the heavy guns of law to replace the subtler constraints of etiquette; why authenticity and sincerity by themselves aren't enough (and why, indeed, they may be much too much); and considerably more.

Miss Manners is, in a word, a theorist. Indeed, I believe her to be one of the most important social commentators of our time. I do not lightly divulge this information, and I fear that she will be displeased when she learns that I have done so. (It is well-known that individuals who take on the secret identity of a mild-mannered journalist guard that subterfuge with considerable zeal.)

Manners are not the fossilized relic of Victorian bygones but are as up-to-date as *Seinfeld*, almost every episode of which revolves around conundrums of contemporary etiquette.

For one thing, syndicated columnists, especially those esteemed for making straight and sure the step of faltering yuppies, make a nice living for their troubles. Philosophers earn substantially less. Moreover, the latter typically present their ideas in a prose weightier than lead and more trackless than the Gobi Desert. I would be most chagrined if anything said here precipitated a decrease in the lady's royalties or led readers to expect her syntax to be indistinguishable from that of, say, John Rawls. Either circumstance would mean that she is being read less, and that would be a pity. More incisively and certainly more entertainingly than most academicians, and to an infinitely greater extent than anything produced by the Democrats or Republicans during their most recent traveling road show venture at persuading the public that they have a clue about the requisites of successful sociality, Miss Manners reveals how we can do better at that difficult but necessary job of living together in some modicum of peace.

Her account is too nuanced and sophisticated to be easily summarized. It is fair to say, I think, that she places herself less in the tradition of Emily Post and Amy Vanderbilt than that of Thomas Hobbes and John Locke. Like the latter, she is vividly attentive to the fact that people's natural propensity to bias in their own favor inevitably leads to unpleasant carnage unless it is tempered by a durable social veneer. A coercively enforced legal structure represents one layer of that veneer; another is supplied by morality.

But complementary to these, insists Miss Manners, are codes of etiquette. It is all too easy to misinterpret others' intentions, to cook up from a few wisps of happenstance a bubbling brew of acrimony. In many social relationships the most common mode of understanding is misunderstanding. Anyone with children, parents, teachers, a boss, colleagues, neighbors, teachers—or just co-inhabitants of planet Earth—knows this.

Contemporary sensibilities suggest that a regimen of complete frankness and speaking one's mind is the indicated palliative. Contemporary sensibilities could not be more mistaken. To really be apprised of what others are thinking and feeling in their heart of hearts is a prescription for erupting enmity. According to Kelley, Rand rejected the proposition that the interests of rational individuals conflict in any fundamental sense. She too could not be more mistaken. It is precisely because germs of conflict are endemic that basic rights are indispensable components of our moral arsenal. They are the markers that distinguish mine from thine, thereby providing occasions for armistice in what the early liberal theorists called "the War of All against All."

Manners serve a complementary function. They are the lubricant that keeps us from chafing too severely against each other. They preserve our privacy from invasions of inquisitive eyes. They are means for announcing one's status and acknowledging that of others. They are not the fossilized relic of Victorian bygones but rather are as up-to-date as the television show *Seinfeld*, almost every episode of which revolves around conundrums of applying a contemporary urban, hip etiquette.

But isn't etiquette anti-democratic? Has it not traditionally served as a weapon for conducting class warfare and holding down minorities and women? Is it not the case that like those other cherished appurtenances of high society, the corset and the bustle, etiquette impedes and constricts people's freedom? Qualms such as these lead otherwise sensible people to be dismissive of etiquette. They are, though, uniformly ill-founded. Rather than being inherently undemocratic, Miss Manners rightly points out that "adherence to etiquette is a prerequisite for all the practices of a democratic state, including such governmental business as legislative sessions and judicial proceedings."

While hierarchical juggernauts can operate with no small success via command-and-control procedures, a politics among equals necessarily presupposes widespread compliance with customary forms. And although etiquette can be bent to the practice of one-upmanship, that hardly distinguishes it from virtually every other human activity. Law, religion, and celebratory post-touchdown end-zone dances can also be used to subjugate or demean. Judging a practice by its deformations is methodologically dubious. To the contrary, etiquette has always emphasized the imperative that all persons be treated with respect and consideration. (That is

DAN ZAITZ

not, of course, equivalent to treating them exactly the same.) Indeed, the proviso that respect be displayed is more rather than less strict when one is dealing with those who are less powerful or less socially well-placed than oneself. To be sure, the rococo etiquette of Marie Antoinette turned this requirement on its head—but look what then happened to *her* head!

Do we find ourselves less free in a society in which the grip of manners is strong? Miss Manners persuasively argues that this is backwards. A system of regulation of everyday life by the rules of etiquette "offers more freedom than any other we have tried." When raised eyebrows and icy stares no longer suffice to restrain conduct, more intrusive devices are sure to take their place. Consider, for example, the legal bludgeons currently deployed against smokers and those who incautiously step on land mines while wandering across gender frontiers. Much of the area now patrolled by the law was formerly under the jurisdiction of manners. Results were not perfect then, but neither are they now. What is indisputable, though, is that the transition has served up bigger dollops of heavy-handed coerciveness. Nor is it always the state that rushes into the vacuum created by retreating manners: In California, aggrieved motorists with shotguns emphatically correct rude freeway behavior, in a way that generates little recidivism. Where California leads, can the rest of us be far behind?

I have done enough harm to the lady's reputation by characterizing her as a theorist; I shall not compound misprision by adding the label *libertarian.* Still, whatever her own political views may be, the account of etiquette offered in *Miss Manners Rescues Civilization* neatly plugs into libertarian thought. Classical liberals have traditionally been big on attending to the scope of the state—limited!—but have given short shrift to the customary forms that sustain and vivify civil society. (Tocqueville is a conspicuous exception.) It is all well and good to proclaim the credentials of the minimal state, but absent means to keep it minimized, such proclamations are vain.

Enter etiquette. An order of manners substitutes for coercion the authority of custom, for external enforcement self-restraint, for central planning decentralized decision making. Its protocols, euphemisms, and ritual may seem arcane to outsiders, but their effect is to mark off and protect a private domain within which individuals enjoy a limited sovereignty over their own affairs. Rudeness, like big government, is intrusive. And like big government, it is cancerous. Just as the shortcomings of one welfare state program beget another and yet another, so too do thoughtless behavior and rude remarks metastasize. Miss Manners teaches us that "Mind your own business!" is the first principle of good manners. It is also the core of liberal political philosophy.

I fear that I am perilously close to gushing. Miss Manners tends to have that effect on impressionable gentlemen of a certain age. I therefore hasten to note that she falls short of perfection, if only by the diameter of gnat's eyelash. She admits that she has still not come up with an appropriate term to refer to unmarried persons who openly share their living quarters and lives. That is one small blot on her escutcheon.

Another is a lack of sure-footedness in expressing the relationship between etiquette and morality. Sometimes she runs them together. In other passages she tries to distinguish them in terms of respect for human life's sacredness versus its dignity and by distinguishing behavior from expression. I thank Miss Manners for putting forth the effort, but honesty compels me to admit that these dichotomies afford little clarification.

No blame is ascribed to her on account of this failure. I choose to believe that, as with almost every other problem that weighs heavily on the American mind, she could if she wished put forth a solution. Instead she graciously refrains from doing so in order not to usurp the title and vocation of her friend and accomplice, Miss Morals. Always the complete lady!

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Coffee, Tea, or Me

Should a penny for your thoughts be illegal?

By Thomas W. Hazlett

Right now, I have left my physical being and am floating in space. Everything below me looks very small. I am reading headlines coming off the wire service, and I am as concerned as any patriotic American—even those still living on Planet Earth—about graft and corruption eroding our politics. I see one article from the Associated Press titled "Lobbyists Still Use Connections." Then, still hanging in the clouds, I spy another: "Daley Pledges Reforms at Commerce."

I begin to spin. "Gore Admits Fundraiser Mistake," and a spiritual updraft from the Hsi Lai temple's $140,000 tithe to Clinton-Gore lifts me suddenly. "Bankers Met with Clinton, Regulator," and I am dizzy with revelation: The White House Map room was used for over 100 "coffee klatches" that brought CEOs, $2.7 million in corporate checks, and the regulators their shareholders fear most into cozy proximity.

Political junkies are tripping in an out-of-body experience. There is something magical, even otherworldly, with politicos who burst through the plane of common decency in the a.m. and speak so piously to the confessional reporter by afternoon. As president, Bill Clinton privatized the public sector like a small-state governor ordering state troopers to procure babes. His re-election campaign, seeing a tycoon pining for access, felt its knees knock. The interests were coldly targeted and shaken down, as the White House hosted a "high tech operation situated not far from the Oval Office and used to track and nurture potential donors," reports *Time*.

Illegal, schmeegal: The taxpayers' computer database sent out White House Christmas cards to 65,000 high rollers, issued invites to millionaires hot for the White House soiree, recorded "special dietary needs" of fat cats, and brought America's elite to private gatherings of the Hillary Rodham Clinton Fan Club.

Seamlessly, the president slips from the White House coffee klatch to the White House press conference and artfully yodels a denunciation of lobbyists—complete with the mating call of Washington statesmen, a cry for campaign finance reform. Who better to craft the new rules for political engagement than those who just shredded the last batch? Who better to clean up the Commerce Department than the scion of America's most corrupt big-city machine? Who better to assist the president than the neutered speaker of the House, a man whose keen sense of partisan pride led him to top Jim Wright's book royalties by a ratio of 90 to 1.

America's government is a colossus, and its rules are constantly changing. Therein lie the two primary reasons why special interests growl with an insatiable appetite for access to the rule makers, and why artificial caps limiting expenditures to influence politicians are a fool's paradise.

Like price controls, such rules attempt to limit money transactions without limiting demand; the predictable result is a spillover where folks who want to deal find each other. Like the "key money" bribes paid to apartment managers in rent-controlled New York City, "soft money" provides a back-door path for access buyers to meet up with access sellers. Countless other avenues are available. In fact, avoiding traffic congestion can become the foremost concern.

Even when the spending cap—via the trouble and expense associated with skirting the rules—reduces some demand, it is not clear that democracy sprouts. As when rent control helps the rich landlord's granddaughter claim a Soho loft the instant she graduates from Brown, a Joe Kennedy Sr. is not likely to be deterred: His subsidy of a ghostwriter for John's best-seller, *Profiles in Courage*, got the boy the best public platform that money could buy—without a penny of "campaign finance." It is unlikely that either a power-hungry millionaire or a lobbyist wishing to grease some ADM ethanol subsidy-type raid on the public purse will be discouraged because the loopholes are so easily negotiated by the pros—a snap, apparently, even to those whose only language is Thai.

Who's likely to be deterred by strict spending caps? The wealthy crank with an ax to grind—not about access but about his pet cause. The current $1,000 per person per election federal donation limit takes a Ross Perot out of the real debate unless he is willing to run for high office personally (and God help us then). Why shouldn't curmudgeons who hate Larry King but love their privacy be afforded the same right to make their points? All the while, Cokie Roberts drones on, lucky to be in a constitutionally protected line of work. She blows off any theory that doesn't appear on her radar screen—and uses millions of dollars of air time to do it.

Ted Turner has her beat, of course: CNN, just sold to Time Warner, lets him hire (and fire) producers, news anchors, pundits. Ted must now share his vision with Time Warner CEO Gerald Levin, but who can deny the political clout? If you are merely a citizen of America—if you have made your money by saving lives or plowing fields rather than by reading teleprompters or buying networks—this right to shape the public debate is legally denied.

Serious campaign finance loophole-closers have no problem with Cokie, Ted, or Gerald—and big problems with Ross. Former Sen. Bill Bradley actually wants to trim the First Amendment to make it legal to stop the sort of political dialogue Perot spurred—as a candidate for president—with his own hard-earned dollars. In one sense, this is a blissfully honest approach. It squarely identifies the "loophole" to be closed: the constitutional right to freedom of speech.

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